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# Legislative Assembly

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## PROVINCE OF ONTARIO

VOL. LXXVII, Pt. 2.

SESSION 1943

### PART TWO

#### APPENDIX No. 2

Report and Proceedings of the Select Committee of the  
Legislative Assembly Appointed to Inquire into Col-  
lective Bargaining between Employers and  
Employees.

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## Report of Select Committee

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*To the Honourable the Legislative Assembly of the Province of Ontario:*

Gentlemen:

Your Select Committee appointed on February 18th "for the purpose of enquiring into and reporting back to this House regarding collective bargaining between employers and employees in respect to terms and conditions of employment," begs leave to submit the following as its Report:

Your Committee sat for twelve days and heard ninety-two witnesses, representing every section of the Province and all interests in the Province, who felt that they might be affected by any proposed collective bargaining legislation.

On the basis of the evidence adduced, and as a result of their deliberations, the members of the Committee have unanimously come to the conclusion that a collective bargaining measure ought to be enacted in the Province of Ontario.

The members of the Committee believe that no useful purpose would be served by presenting in their report a resume of the evidence adduced, and for that reason they came to the conclusion that a series of recommendations in legislative form embodying their findings would be the best means of presenting their ideas to the House. We therefore attach herewith a series of recommendations in legislative form which we recommend to the consideration of the Lieutenant-Governor in Council.

J. H. CLARK, Chairman.  
E. J. ANDERSON.  
W. J. GARDHOUSE.  
J. A. A. HABEL.  
H. L. HAGEY.  
JOHN NEWLANDS.  
F. R. OLIVER.  
J. P. MACKAY.  
T. P. MURRAY.

Thursday, March 25th, 1943.



## Recommendations by the Committee

1.—(1) "Bargain collectively" shall mean negotiate in good faith with a view to the conclusion of a collective bargaining agreement and so to negotiate from time to time during the term and in accordance with the provisions of a collective bargaining agreement, and "bargaining collectively" shall have a corresponding meaning.

(2) "Collective bargaining agency" shall mean any trade union or other association of employees which has bargaining collectively amongst its objects, but shall not include any such union or association the administration, management or policy of which is dominated, coerced, improperly assisted or improperly influenced by the employer in any manner whether by way of financial aid or otherwise.

(3) "Collective bargaining agreement" shall mean an agreement in writing between an employer and a collective bargaining agency setting forth terms and conditions of employment.

(4) "Employee" shall mean any person in the employment of an employer as defined in this Act, except

(a) an officer or official of an employer; and

(b) a person acting on behalf of the employer in a supervisory or confidential capacity, or having authority to employ, discharge or discipline employees.

(5) "Employer" shall mean any person employing within the Province fifteen or more persons.

### PART I.

2. Employees may bargain collectively with their employer through representatives of their own choosing, and for that purpose may form, join, designate or assist any collective bargaining agency, and participate in the administration thereof.

3. A collective bargaining agency certified pursuant to the provisions of this Act shall not be deemed to be unlawful by reason only that one or more of its objects are in restraint of trade.

4. Any act done by two or more members of a collective bargaining agency certified pursuant of the provisions of this Act, if done in contemplation or furtherance of a trade dispute, shall not be actionable unless the act if done without any such agreement of combination would be actionable.

5. A collective bargaining agency shall not be made a part to any action in any court unless such collective bargaining agency may be so made a party irrespective of any of the provisions of this Act.



6. A collective bargaining agreement shall not be the subject of any action in any court unless such collective bargaining agreement may be the subject of of such action irrespective of any of the provisions of this Act.

7. Nothing in this Act shall be construed to give an employee the right to work for or to attempt to organize a collective bargaining agency in his working hours or on the premises of his employer, except in so far as the same may be permitted by the terms of a collective bargaining agreement, or as may be necessary for the purpose of bargaining collectively.

8. A provision in a collective bargaining agreement requiring all or any specified employees of an employer to be members of a specified collective bargaining agency certified pursuant to the provisions of this Act shall not be deemed to be in conflict with or in contravention of any of the provisions of this Act.

9. No employer shall fail or refuse to bargain collectively with the accredited representatives of a collective bargaining agency certified pursuant to the provisions of this Act with respect to the employees of the employer or a unit thereof appropriate for collective bargaining purposes.

10. No employer shall discriminate against an employee in any manner whether by discharging him from employment or otherwise by reason of his membership in or activity in connection with a collective bargaining agency, or by reason of his instituting or participating in any proceeding or prosecution pursuant to the provisions of this Act.

11. No employer shall enter into any contract any of the provisions of which bind an employee to forego any right by this Act provided.

12. No person shall coerce, intimidate, restrain or improperly influence an employee with respect to the exercise by him of any right by this Act provided.

13. No person shall issue, publish or distribute to any employee any writing relating to any of the terms and conditions of employment with his employer unless it be signed by the person or persons responsible for the issuing, publication or distribution thereof.

14. No person shall wilfully interfere with any person carrying out any duty under this Act or under any order of the Labour Court.

15. Notwithstanding anything in this Act contained an employer may suspend, transfer, lay off or discharge any employee for proper and sufficient cause.

16. Nothing in any collective bargaining agreement, or in this Act contained, shall operate to prevent any employer from re-employing, with full seniority rights and other benefits, any person who leaves or has left employment with such employer and directly thereafter enters or has entered his Majesty's armed forces in the present war.

## PART II.

17. There shall be a separate division of the Supreme Court of Ontario to be known as the "Labour Court".

18. The Labour Court shall have a seal and all process issuing thereout shall be sealed therewith, except that a subpoena in respect to a matter in the Labour Court may issue from the office of any Local Registrar of the Supreme Court of Ontario.

19. The Chief Justice of Ontario shall from time to time designate a member of the Supreme Court of Ontario to act as Judge of the Labour Court.

20. The Lieutenant-Governor in Council shall appoint a Registrar of the Labour Court, to hold office during the pleasure of the Lieutenant-Governor in Council.

21. The Registrar shall keep and have the custody of the records and of the seal of the Labour Court, and shall perform such other duties as may be required under this Act.

22. The Lieutenant-Governor in Council may, and at the request of the Chief Justice of Ontario shall, appoint such other officials and assistants as may be required to enable the Labour Court to perform its duties.

23. The Labour Court by general rules or in any specific case may delegate any or all of its duties or powers to any person, but the acts of such person so delegated shall be subject to review by a Judge of the Labour Court who, upon such review, may make such order as he deems proper in the circumstances.

24. The Labour Court, on the application of any interested party, may from time to time rescind, alter or vary any order made by it upon such notice to the parties interested as the Court may direct.

25. The Labour Court shall not be bound by precedent or by the technical rules of evidence but shall render its decision on the true merits.

26. No proceeding shall be defeated by any defect therein whether as to form or otherwise if in the opinion of the Labour Court no substantial injustice has been occasioned thereby.

27. The Labour Court may prescribe the forms and make rules and regulations governing its own practice, and such rules and regulations shall govern such practice accordingly notwithstanding anything contained in the Consolidated Rules of Practice of the Supreme Court of Ontario.

28. The proceedings of the Labour Court may be held in camera and the Labour Court shall sit at such time and place as the judge of the Labour Court may from time to time direct.

29. No costs shall be payable in respect of proceedings in the Labour Court.



30. The Lieutenant-Governor in Council shall fix the salary of the Registrar and the remuneration to be paid to other officials and assistants appointed by him pursuant to this Act, and the same, together with all other expenses of administration of the Labour Court, shall be paid out of the Consolidated Revenue Fund of the Province.

31.—(1) A collective bargaining agency claiming to represent the majority of the employees of an employer or of a unit thereof for collective bargaining purposes may upon written notice to the employer apply to the Court to be certified as a collective bargaining agency.

(2) An employer may apply to the Court for an order determining what, if any, collective bargaining agency represents a majority of his employees or of a unit thereof for collective bargaining purposes and is entitled to certification as a collective bargaining agency.

(3) A collective bargaining agency or an employer may apply to the Court upon grounds to be set out in the application for an order revoking any certification of a collective bargaining agency, provided that no such certificate shall be revoked within one year from its date except on the ground of fraud affecting the granting thereof, and except on the ground of violation of an order of the Labour Court.

(4) An applicant under this section shall serve notice of the application, together with the material in support thereof, upon the employer or collective bargaining agency or agencies, as the case may be, which are affected by the application.

(5) Upon any such application the Labour Court may—

- (a) ascertain what unit of employees is appropriate for the purposes of collective bargaining, and determine whether such unit shall be the employer unit, craft unit, plant unit or a subdivision thereof;
- (b) ascertain what collective bargaining agency, if any, represents a majority of the employees in such unit;
- (c) certify that a collective bargaining agency represents a majority of the employees in such unit, and set forth terms upon which such certification is granted;
- (d) revoke any certification of a collective bargaining agency;
- (e) inspect the employment lists of an employer to ascertain what employees, including any person who in the opinion of the Court was improperly discharged from employment, are entitled to vote and inspect the records of a collective bargaining agency, to ascertain the number of its members entitled to vote, and take a vote of such employees by secret ballot and authorize any person to enter the premises of an employer or a collective bargaining agency for any of such purposes;

- (f) cause enquiries to be made, acts or things to be done and proceedings to be had as it may think proper to carry out the provisions of this section.

32. Any party to a collective bargaining agreement, on written notice to the other party thereto, may apply to the Labour Court to construe, and the Court shall have the power to construe, the provisions of the said agreement.

33. The Labour Court shall have exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Act.

34. No appeal shall lie from a decision of a judge of the Labour Court.

35. Every collective bargaining agency which collects fees from its members, shall file with the Registrar of the Labour Court a true copy of its constitution, rules and by-laws, and amendments thereto, and the names and addresses of its officers as and when elected or appointed from time to time.

36. Every collective bargaining agency which collects fees from its members, shall file with the Registrar of the Labour Court, at least once in every year and not later than three months after the close of its fiscal year, a financial statement of its affairs verified by the affidavit of its officers or officers responsible for the handling and administration of its funds, which statement shall include a balance sheet of its affairs as of the end of its fiscal year, and particulars of its receipts and particulars of its receipts and disbursements for the preceding fiscal year, and shall furnish to each of its members a copy of such statement within three months from the expiration of such fiscal year.

37. Every collective bargaining agency certified under the provisions of this Act shall hold an election of its officers annually.

38. Except as by the rules provided no statements, documents or proceedings filed in the Labour Court shall be open to inspection by any person without the leave of a judge of the Labour Court.

### PART III.

39.—(1) Any employer who wilfully violates the provisions of Section 9 of this Act shall be guilty of an offence and liable upon conviction to a fine not exceeding \$1,000.00, including costs.

(2) (a) Any person who wilfully violates any other provision of this Act shall be guilty of an offence and liable upon conviction for the first offence to a penalty not exceeding \$50.00, including costs, and upon conviction for a subsequent offence to a penalty not exceeding \$100.00, including costs.

(b) Where the offence has been committed by an employer and an employee has suffered monetary loss thereby, in addition to the penalty in this subsection provided, the person convicted may be ordered to pay to such employee an amount not exceeding such monetary loss.



(3) Any person who

- (a) being in charge of or having the custody of the relevant records of an employer or of a collective bargaining agency wilfully refuses or fails to furnish to or file with the Labour Court any information or document pursuant to the provisions of this Act, or an order of the Labour Court, or
- (b) who falsifies any records of an employer or collective bargaining agency containing information required to be filed with the Registrar of the Labour Court pursuant to the provisions of this Act,

shall be guilty of an offence and upon conviction be liable to a fine not exceeding \$100.00, including costs.

40. The penalties imposed by this Act shall be recoverable under The Summary Convictions Act and the provisions of the said Act shall apply to prosecutions hereunder.

41. No prosecution for an offence under this Act shall be instituted until fifteen days after a notice in writing specifying such alleged offence has been filed with the Registrar of the Labour Court.

#### PART IV.

42. Upon the application of an employer, employee or collective bargaining agency the Court shall have power to determine whether any person engaged in any calling or undertaking is an employer or an employee within the meaning of this Act.

43. Nothing in this Act contained shall be deemed to take away the right of an individual employee to present any of his personal grievances to his employer.

44. The Labour Court may from time to time make rules and regulations not inconsistent with the provisions of this Act for the better carrying out of the purposes of this Act.

45. This Act shall not apply to—

- (a) the industry of farming;
- (b) to domestic or menial servants;
- (c) any municipal corporation, or any board or commission functioning as an administrative unit thereof;
- (d) professional engineers;
- (e) learned professions.

46. This Act shall apply only to matters within the legislative jurisdiction of the Province.

# Proceedings

## Select Committee on Collective Bargaining

### FIRST SITTING

Parliament Buildings,  
Toronto, February 25th, 1943.

The Select Committee of the Legislative Assembly appointed to inquire into and report regarding Collective Bargaining between employers and employees, composed as follows: Hon. James H. Clark, Chairman; Messrs. Anderson, Gardhouse, Habel, Hagey, Newlands, Oliver, Mackay and Murray, met this day at 10.30 a.m. for organization.

Present: Messrs. Anderson, Gardhouse, Hagey, Oliver, and Murray, also Mr. W. H. Furlong, K.C., Counsel to the Committee, and Mr. J. Finkelman, adviser to the Committee.

MR. FURLONG: Gentlemen, the Legislature has seen fit to appoint this Committee to delve into the question of collective bargaining. I think first I should deposit the resolution of the Legislature, as certified by the Premier, to which is also attached the names of those who constitute the Committee. I will file this now as Exhibit 1.

EXHIBIT 1: Letter of February 24, 1943, from Hon. G. D. Conant, Prime Minister of Ontario, to Mr. W. H. Furlong, K.C., with enclosure.

"Dear Sir:

"Toronto, February 24th, 1943.

"I enclose herewith a true copy of the document which I have completed and deposited with the Clerk of the Legislative Assembly regarding the members of the Select Committee inquiring into collective bargaining between employers and employees.

"Respectfully yours,

"(Signed) G. D. CONANT.



"Mr. W. H. Furlong, K.C.,  
Counsel to the Select Committee re Collective Bargaining,  
Parliament Buildings,  
Toronto, Ontario."

(Enclosure)

"To:

"Major Alex. C. Lewis,  
Clerk of the Legislative Assembly.

"Pursuant to a resolution passed in the Legislative Assembly of the Province of Ontario on Thursday, February 18th, 1943,—

"That a Select Committee, to be named by the Prime Minister, be appointed for the purpose of enquiring into and reporting back to this House regarding collective bargaining between employers and employees in respect to terms and conditions of employment.

"That said Committee to have authority to sit concurrently with the sittings of the House and to hold both morning and afternoon sessions during any adjournment of the House and with power to send for persons, papers and things and to examine witnesses under oath."

"I hereby nominate and appoint the following to constitute the Select Committee authorized by the said resolution,—

"Hon. J. H. Clark, M.P.P., Chairman, Windsor-Sandwich Riding.

"Mr. E. J. Anderson, M.P.P., Welland Riding.

"Mr. W. J. Gardhouse, M.P.P., York West Riding.

"Mr. J. A. A. Habel, M.P.P., Cochrane North Riding.

"Mr. H. L. Hagey, M.P.P., Brantford Riding.

"Mr. John Newlands, M.P.P., Hamilton Centre Riding.

"Mr. F. R. Oliver, M.P.P., Grey South Riding.

"Mr. J. P. MacKay, M.P.P., Hamilton East Riding.

"Mr. T. P. Murray, M.P.P., Renfrew South Riding.

"(Signed) G. D. CONANT,  
"Premier.

"Toronto,  
"February 24th, 1943."

Then I wish to file a letter signed by the Prime Minister, which advises the Committee that I have been appointed as Counsel, and Mr. Finkelman as Adviser, to the Committee.

EXHIBIT 2: Letter of February 25th, 1943, from Hon. G. D. Conant, Prime Minister of Ontario, to Hon. James H. Clark, M.P.P., Chairman, Select Committee re Collective Bargaining.

"Toronto, February 25th, 1943.

"Dear Sir:

"This is to advise that to assist and facilitate the work of the Select Committee re Collective Bargaining, Mr. W. H. Furlong, K.C., has been appointed Counsel and Mr. J. Finkelman Adviser to the Committee.

"Respectfully yours,

"(Signed) G. D. CONANT.

"Hon. James H. Clark, M.P.P.,  
Chairman,  
Select Committee re Collective Bargaining,  
Parliament Buildings,  
Toronto, Ontario."

Mr. Clark, who was named as Chairman of this Committee, is ill and will not be able to be here until Tuesday. So that we can proceed with the organization I would suggest that this Committee now appoint a Vice-Chairman to act in the absence of the Chairman.

Moved by Mr. Oliver, seconded by Mr. Gardhouse, that Mr. Hagey act as Vice-Chairman. (Carried.)

(Mr. Hagey then took the Chair.)

MR. FURLONG: I am going to now suggest that you appoint Mr. Patterson Farmer as Secretary, so he can take care of the exhibits.

Moved by Mr. Gardhouse, seconded by Mr. Anderson, that Mr. Farmer be appointed Secretary. (Carried.)

MR. FURLONG: I would suggest that the Committee make a declaration at this time that these proceedings will be carried on as public proceedings, open to the Press.

Moved by Mr. Gardhouse, seconded by Mr. Oliver, that the proceedings of the Committee be public and open to the Press. (Carried.)

MR. FURLONG: It will be our purpose, gentlemen, to bring before you a list in consolidated form of the important legislation with regard to collective bargaining wherever it might be in force throughout Canada, the United States and Great Britain. It will take a few days to have that ready, of course, and we could not do it to-day. I hope to have that ready to file with you by next Tuesday. Therefore, I would suggest that you now fix the date of starting this investigation as next Tuesday morning at eleven a.m.—if that is satisfactory to the Committee.

MR. ANDERSON: I would so move, Mr. Chairman.

MR. MURRAY: I second that. (Carried.)

MR. FURLONG: The question of hours during which this hearing will take



place—in order that we may be able to prepare a list of the witnesses to be heard, and arrange time and place so that they will not wait too long, perhaps some of them from out of town—we do not want them to come here and wait for days to be heard—I would suggest that the hours be from eleven to one, and two to four, and that we confine the hearings, if possible, to Tuesdays, Wednesdays and Thursdays in each week, because a good deal of evidence can be taken in three days during those hours. Then there has to be a good deal of study put in on it, in order to make the proper representations to this Committee. That does not interfere with the Committee's changing that at any time if it sees fit. To start with I think that would be a proper thing to do.

MR. GARDHOUSE: I will move that the hours be as suggested by Counsel, from Tuesdays to Thursdays, inclusive, from eleven to one and two to four.

MR. ANDERSON: I would second that. (Carried.)

MR. FURLONG: The Prime Minister, the Minister of Labour, and also the Chairman of this Committee, have filed letters and requests from different parties who wish to be heard. All of these organizations and persons will be given every opportunity to come here and make their representations in such form as they see fit, either orally or by the filing of briefs. Commencing at eleven o'clock Tuesday morning we will have here the representatives of one of the largest and oldest organizations in Ontario.

Gentlemen, I think that is all we can do at the present time.

Whereupon, on motion by Mr. Gardhouse, seconded by Mr. Anderson, the Committee adjourned, to meet on Tuesday, March 2nd, 1943, at eleven a.m.

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## SECOND SITTING

Parliament Buildings, Toronto,  
Tuesday, March 2nd, 1943, at 11.00 a.m.

Present:

Messrs. Clark (Chairman), Anderson, Gardhouse, Habel, Hagey, Newlands, Oliver, Mackay, and Murray.

Mr. W. H. Furlong, K.C., Counsel to the Select Committee.

Mr. J. Finkelman, Adviser to the Committee.

Mr. J. B. Aylesworth, K.C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.

Mr. D. W. Lang, K.C., Counsel for the Canadian Manufacturers' Association (Ontario Division).

Mr. F. A. Brewin, Counsel for the United Steel Workers of America.

And other representatives of various organizations.

THE CHAIRMAN: Gentleman, we can now call the meeting to order.

MR. FURLONG: Mr. Chairman, I believe there are a number of counsel here that I would like to introduce to the Committee. We have Mr. J. B. Aylesworth, K.C., of Windsor, who, I understand, represents the Ford Motor Company, the Chrysler Corporation, General Motors and several other companies. He has a watching brief. Mr. D. W. Lang, representing the Manufacturers' Association. Are there any other counsel here?

MR. BREWIN: I am representing the United Steel Workers of America.

MR. CHAIRMAN: Where are you from Mr. Brewin?

MR. BREWIN: Toronto.

MR. FURLONG: Anybody else?

THE CHAIRMAN: Are there any gentlemen here who are not counsel who are representing any interests?

MR. PAT. SULLIVAN: I am representing the Trades and Labour Congress of Canada, Mr. Chairman.

MR. FURLONG: We were rather disappointed to-day. I had arrangements made by wire with the Trades and Labour Congress, and I think Mr. Sullivan was the man to represent them, to present a brief here to-day, but yesterday he made known the fact that he was unable to be here for that purpose, and wants that postponed until next Monday. We had not planned to meet on Monday, but I think the Committee might well decide that point now.

MR. SULLIVAN: Could I give a word of explanation as to the reason why we want delay?

THE CHAIRMAN: Certainly.

MR. SULLIVAN: Your deliberations here will affect organized labour throughout Ontario, and as we represent approximately 764 unions in this Province with a membership of 98,000 men, we feel as a democratic organization that these people should have an opportunity of expressing what they want to bring before you. Therefore, the American Federation of Labour has called a conference for this Sunday, where there will be representatives of all those organizations, and we will elect a committee that will speak for the American Federation of Labour here next Monday. There will be delegates from Fort William, Fort Frances and all over the Province. Some of them will wish to return home, if at all possible, on Monday night. Therefore we would like the indulgence of the Committee to meet them on Monday if at all possible.

THE CHAIRMAN: The Committee is agreeable to meeting Monday afternoon at 1.30. We could probably extend the hours longer Monday afternoon, sitting for three or four hours instead of splitting it up, two hours in the morning and two in the afternoon. One-thirty Monday afternoon, Mr. Sullivan.



MR. FURLONG: I propose, in view of not having their representatives to-day, to call the Hon. Peter Heenan first.

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HON. PETER HEENAN, Minister of Labour, sworn.

Examined by MR. FURLONG:

Q. Now, Mr. Heenan, you have been Minister of Labour in two governments; first the Dominion Government, between what years?

A. 1926 and 1930.

Q. And in the Ontario Government from 1941 to date. Is that right?

A. One year and ten months.

Q. And during that time you have had experience with labour difficulties not only throughout Ontario but throughout Canada?

A. Yes.

Q. Briefly, what are those difficulties—what is the great difficulty?

A. Of course, there are various kinds of disputes, such as disputes over wages and hours of work, but chiefly lately the chief source of dispute has been the question of the recognition of the unions and collective bargaining.

Q. Will you tell the Committee what difficulty you have when you are called in to iron out a dispute even where they have an agreement which is a gentleman's agreement more or less, and follow that up with your experience where you have to get a gentleman's agreement to settle the dispute?

A. Where there is an agreement, or where there is a recognition of the rights of the workmen to bargain collectively, the agreement is in existence, it is very easy to get them to compose their difficulties, to agree upon something. The men in some instances may be asking too much, or the management may not be willing to give as much as they should—there is always a point of contact there, compromise. Where there is no agreement, where employers, we will say, do not recognize trade unions, that is the most difficult case to bargain with collectively—that is the most difficult kind of dispute you can have. Because, on the one hand, you have a union that believes it is speaking for the workers, and yet the employer will not recognize them as such, and it causes confusion. I had better give you an example, without mentioning company names or anyone who was interested, because most of these things, as you know, are all settled. I do not want to go back into the names of companies or men involved. We have had disputes where we have had strikes, and the moment we hear of a strike we send our conciliation officer to see if he can compose the differences. Where there is no union we cannot find anybody but the management to talk to, to tell us the reason for the dispute—the men are asking for this, that and the other. We cannot find any officer of any union to speak to, and we are at

a loss to know. We pick out one or two or three fellows and we say, "Can you speak for these employees?" Some of them will volunteer, "Yes, we believe we can." We take them into the management and reach what we think is a fairly decent settlement, and those one or two men go out to the mass meeting, and the meeting says, "Away with them, we will elect somebody else," and they pick one or two others out of the crowd, and so it goes on without any response at all. You cannot tell when you are arranging what you think is a reasonable settlement whether the mass meeting will accept it from those volunteers who have not been already chosen from their own midst. Those are the worst kind of disputes we have.

Q. Then, if you arrive at a settlement that in your own mind is fair, have you any way, or is there any way in the Province, to enforce that settlement.

A. No, there is no legislation.

Q. Has that been one of the contributing factors to not being able to settle these disputes, the fact that you have no power or machinery with which to enforce the settlement?

A. That is one of the thoughts behind trying to get an enactment, to give us power to settle in a case where there is no agreement.

Q. What about the case where there is an agreement?

A. Well, of course, we have not very much trouble with those. In all plants there are grievances, you know, and you cannot just put your finger on what causes them; for instance, in a strike it is not always what appears on the surface. Men will go on strike because of something, but there are a lot of other things that have been boiling up, grievances that have not been settled, and actually you cannot put your finger on what the cause is. At any rate, where there is an agreement it is fairly easy to settle.

Q. There have been strikes in the Province, though, haven't there, where there has been an agreement, and there has been an arbitration clause, and still there has been a strike?

A. Oh, yes.

Q. What is the reason for that?

A. Just what I have been explaining to you.

Q. Is it still lack of machinery?

A. A conglomeration. In the one or two I have in mind there was machinery but it was not used, federal machinery. We have no machinery provincially.

Q. Do you think if machinery were enacted by Act of Parliament it would be an aid to industrial peace?

A. Well, the machinery we have now, the federal machinery we have now,



is not up to date so far as war times are concerned. For instance, you can imprison or you can fine men, but when you come to imprison a body of strikers of four, five or ten thousand, it is not getting you very far.

Q. In other words, you cannot call out the army to shoot a thousand men?

A. That is right.

THE CHAIRMAN: We have not the jail accommodation to imprison five thousand either, have we?

A. No.

MR. FURLONG: Q. According to what you have told us, it seems to boil down to this, that in all these disputes, when you are called in, or someone from your department, even though you may arrive at a settlement, it is nothing but a gentleman's agreement with no machinery to enforce the agreement or settlement?

A. That is right.

Q. And that is the reason this Committee is here to investigate, to see if something can be arrived at to avoid that. Is there anything further you would like to state at this time, Mr. Heenan?

A. I would like to take you through, if the Committee wishes me to, just a few years back, leading up to the present stage where a committee has been appointed. I am not going away back into dark history where unions were formed and collective bargaining was established the hard way. No doubt many of you have read a great deal about that, but it prevailed during the last war and prior to the last war, and the nations that were assembled at Versailles incorporated a clause known as the Labour Clause in the Treaty of Versailles, known as Part XIII. I will just read you a portion of it, and then we will jump from there to a few years closer to this time.

#### "ORGANIZATION OF LABOUR

"Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;

And Whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of

association, the organization of vocational and technical education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own country.

The High Contracting Parties, moved by sentiments of justice and humanity, as well as by the desire to secure the permanent peace of the world, agree to the following:

(Sgd.) HON. CHAS. J. DOHERTY,  
Minister of Justice.

HON. ARTHUR L. SIFTON,  
Minister of Customs.

28th June, 1919.

For Canada."

That was June, 1919, and while it is probably not really material, both the political parties of Canada incorporated that in their platform—the Liberals in the 1921 convention, and the Conservatives in 1927.

To indicate what was in the mind of the Government of Canada during the last war, it passed an order-in-council, known as P.C. 1743, of the 11th July, 1918—that is not the 12th July; it is the 11th July.

Q. Pretty close to it though.

A. "The Minister of Labour, representing that industrial unrest during the past few months has become more general than formerly, thus causing serious interruption in some lines of war work, and indications are that it will become more widespread still unless successful efforts be made to check it.

The Minister of Labour, therefore, recommends that the Governor-in-Council declare the following principles and policies and urge their adoption upon both employers and workmen for the period of the war:

1. That there should be no strike or lockout during the war.
2. That all employees have the right to organize in trade unions, and this right shall not be denied or interfered with in any manner whatsoever, and through their chosen representatives should be permitted and encouraged to negotiate with employers concerning working conditions, rates of pay, or other grievances.
3. That employers shall have the right to organize in associations or groups, and this right shall not be denied or interfered with by workers in any manner whatsoever.
4. That employers should not discharge or refuse to employ workers merely by reason of membership in trade unions or for legitimate trade union activities outside during working hours.



5. That workers in the exercise of their right to organize shall use neither coercion nor intimidation of any kind to influence any person to join their organizations or employers to bargain or deal therewith.
6. That in establishments where the union shop exists by an agreement the same shall continue and the union standards as to wages, hours of labour and other conditions of employments shall be maintained."

I did not copy any more than that, because the order-in-council, P.C. 2685 which was enacted during this war, is very similar all the way through. I do not think I should read all this either:

"The Committee, on the recommendation of the Minister of Labour, advise, with respect to the foregoing, that the following principles for the avoidance of labour unrest during the war be approved:—

1. That every effort should be made to speed production by war industries;
2. That fair and reasonable standards of wages and working conditions should be recognized and that where any temporary adjustments in remuneration are made, due to war conditions, they might well be in the form of bonus payments;
3. That hours of work should not be unduly extended but that where increased output is desired it should be secured as far as practicable by the adoption of additional shifts throughout the week, experience during the last war having shown that an undue lengthening of working hours results in excessive fatigue and in a diminution of output;
4. That established safeguards and regulations for the protection of the health and safety of the workers should not be relaxed, but that every precaution should be taken to ensure safe and healthful conditions of work;
5. That there should be no interruption in productive or distributive operations on account of strikes or lockouts. Where any difference arises which cannot be settled by negotiation between the parties, assistance in effecting a settlement should be sought from the Government conciliation services, and, failing settlement of the difference in this manner, it should be dealt with in accordance with the provisions of the Industrial Disputes Investigation Act, which has been extended under The War Measures Act to apply specifically to all war work;
6. That employees should be free to organize in trade unions, free from any control by employers or their agents. In this connection attention is directed to Section 11 of the provisions of Chapter 30, 3 George VI, An Act to amend the Criminal Code, under which it is declared to be an offence, subject to prescribed penalties, for any employer or his agent wrongfully and without lawful authority to refuse to employ, or to dismiss from employment, any person because of his membership in a lawful trade union, or to use intimidation to prevent a workman from belonging to a trade union, or to conspire with other employers to do either of such acts;

7. That employees, through the officers of their trade union or through other representatives chosen by them, should be free to negotiate with employers or the representatives of employers' associations concerning rates of pay, hours of labour and other working conditions, with a view to the conclusion of a collective agreement;
8. That every collective agreement should provide machinery for the settlement of disputes arising out of the agreement, and for its renewal or revision, and that both parties should scrupulously observe the terms and conditions of any agreement into which they have entered;
9. That workers, in the exercise of their right to organize, should use neither coercion nor intimidation of any kind to influence any person to join their organization;
10. That any suspension which may be made of labour conditions established by law, agreement or usage, requisite to the speeding of wartime production, should be brought about by mutual agreement and should be understood as applying only for the period of emergency.

The foregoing declaration by the Government of principles for the regulation of labour conditions during the war is necessarily subject to the provisions of any enactment by the Parliament of Canada or made under its authority for the purpose of meeting any special emergency whereby the national safety of Canada has become endangered.

The Committee further advise that the attention of employers in meeting their requirements as to labour supply be drawn to the available facilities of the local offices of the Employment Service of Canada in all of the provinces, where thousands of skilled and semi-skilled workers whose training and experience qualify them for war work and employment in industry generally have already been registered, and that advantage be taken of this service to the fullest possible extent.

Many employers have established contacts with trade unions in meeting their requirements as to labour supply, and the Minister of Labour is of opinion that the more general adoption of this practice would assist in the avoidance of unnecessary labour shortage."

THE CHAIRMAN: What was that you were reading?

MR. FURLONG: This is P.C. Order 2685, passed by the Dominion Government on June 20, 1940.

Q. May I interrupt, Mr. Heenan, to ask one question? While this is called an order, it is actually nothing more than a declaration of policy?

A. That is right.

Q. And there again there is a lack of machinery?

A. That is right.



Q. Although the war industries have, you might correct me if I am wrong, carried out the principles of that order fairly well?

A. Yes.

Q. And where there have been disputes, on the request of either party for a conciliation board, it has been granted?

A. That is right.

Q. Under The Industrial Disputes Act one party is to be named by the industry, one by the union, and where those two cannot agree on a chairman, the Minister of Labour appoints the Chairman?

A. That is right.

Q. And those three men sit as a conciliation board and hear both sides of the dispute, but all they can do is recommend and not order, and unless they are fortunate enough to obtain an agreement between labour and capital, or employee and employer, then it sometimes is difficult to get a conciliation of the dispute. Have I fairly well set that out, Mr. Heenan?

A. That is right.

Then, realizing, as you have outlined, that it was a declaration of policy only, or some people called it a pious hope, at a meeting of the Regional War Labour Boards and National War Labour Board, called together at Ottawa, equally divided between management and labour, after a full discussion on the whole matter as to how to prevent these disputes, especially over collective bargaining, I moved this, and it is tabled:

“At a conference of the National War Labour Board and the various Regional Boards held in Ottawa on August 14, 1942, it was moved by the Honourable Peter Heenan, Minister of Labour, with the concurrence of the Ontario Regional Board, and as Chairman of the Ontario Regional Board he moved, seconded by the Honourable L. D. Currie, of Nova Scotia, that the following Resolution be adopted:

WHEREAS by P.C. 2685, dated June 19, 1940, His Excellency the Governor-General in Council was pleased to establish certain principles for the avoidance of labour unrest during the War;

AND WHEREAS by Section 4 (2) of P.C. 5963, the National War Labour Board is authorized to investigate wage conditions and labour relations in Canada and from time to time make such recommendations as it may deem necessary in connection therewith, having regard to the principles enunciated in P.C. 2685;

AND WHEREAS, in the opinion of this Conference, some employers and employees throughout the Dominion of Canada have not seen fit to accept the principles established by P.C. 2685, and it is therefore necessary to empower the National War Labour Board and the various

Regional Boards to take appropriate action in order to compel the acceptance of the said principles;

THEREFORE BE IT RESOLVED that this Conference is of the opinion that the National Board should request the Governor-General in Council to enact, pursuant to the War Measures Act, an Order-in-Council which:

- (1) would declare that employers or associations of employers and employees or associations of employees which refuse to accept the principles expressed and enunciated in P.C. 2685, are acting contrary to the public policy of the Dominion of Canada and in a manner which is likely to impede the war effort,
- (2) would authorize the National War Labour Board with respect to National employers, and the Regional Boards with respect to Regional employers within the respective jurisdiction of each such Board to direct any employer or association of employers and any employee or association of employees to do any act or to refrain from doing any act which is contrary to the public policy of Canada as so declared,
- (3) and in particular the Boards be authorized to direct the parties in a particular industrial dispute to enter into negotiations and may compel the parties concerned to formally recognize any trade union, association of employees or committee of employees which such Board may find to be the proper bargaining representatives of any particular group of employees."

When that was presented there was quite a discussion. A good many provinces do not want to give any provincial rights, especially with respect to wages and employment, away, and they figured that a resolution carried unanimously in that way might encourage the Federal Government to trespass too much on provincial territory. So that it was not voted upon but just left on the table for the National War Labour Board to consider, but the consensus was that it was purely provincial, except federal work, federal authority and Crown Companies. So it has been left on our doorstep if we wish to do anything in that provincially. It is left on our doorstep, yet the Federal Government did pass P.C. 10802 on December 1st, 1942, authorizing the principle of collective bargaining. I do not know whether you want me to read it or not.

THE CHAIRMAN: I do not see how it is relevant.

WITNESS: I am leading up to the point where it was left on our doorstep, the question of collective bargaining. They did pass this, however, which provided that employees in federal Crown plants within the provinces should put into force the principle of collective bargaining.

The reason I am so particularly interested in the present situation is this: as I stated at the outset, disputes are growing instead of diminishing, and it is not only the dispute itself but the unrest in plants and industries leading up to the dispute. While you are talking over disputes and grievances sometimes it

is more disturbing to a plant than an actual strike. Here is our list of disputes during the calendar year 1942, and the months of January and February of this year, 1943, there have been fifty-two applications for Boards under the Industrial Disputes Investigation Act, asking for collective bargaining—nothing about wages or anything else but collective bargaining, the right to collective bargaining. That involved 49,581 employees. The appointment of inquiry commissioners and boards of conciliation resulted in twenty agreements having been reached.

THE CHAIRMAN: Say that again, Mr. Heenan.

A. The appointment of inquiry commissioners and boards of conciliation resulted in twenty agreements having been reached out of the fifty-two. The balance, thirty-two in number, are either pending yet or have been otherwise disposed of.

Q. How would they be otherwise disposed of if there was not an agreement?

A. We send out conciliation officers without the necessity of either a commission or board being established, and they get the parties together, and they dispose of the agreements in that way.

Q. That was what was puzzling me and my friend here. Twenty agreements were made, and how many other settlements made by the conciliation officer without boards?

A. Thirty-two.

Q. They were all settled, the whole fifty-two?

A. No, I would not say that. The balance, thirty-two in number, are pending or otherwise disposed of. Some have still their requests in for a board, I do not know just the number.

The number of applications for collective bargaining and boards of conciliation are increasing. We have received, during the months of January and February, 1943, seventeen such applications, and our officers are out now trying to get them together without the necessity for setting up a board.

Q. Are those seventeen part of the fifty-two?

A. Those seventeen are part of the fifty-two, yes.

On the other hand, through the efforts of our conciliation officers, we are receiving increasing numbers of joint applications from employers and employees, without the necessity of going to a board or commission or anything else, to take votes in their plants, in their industry, to determine a collective bargaining agency.

From the 1st of January, 1942, up to and including the 31st day of December, 1942, there were a total of 83 strikes involving 27,248 employees with time lost in man working days of 171,542—working days lost.



MR. AYLESWORTH: I do not wish to interrupt, but I think it would be interesting, if Mr. Heenan has it available, to give the Committee the number of such applications for the taking of a vote in a plant in order to establish a bargaining agency, because a great number of these things have been disposed of in that way.

THE CHAIRMAN: Have you got that, Mr. Heenan?

A. You mean the number we have had within given time?

MR. AYLESWORTH: Yes; in 1942, for instance, or any period. Your department might have statistics. The point I am making, gentlemen, is, I think perhaps it is common knowledge—certainly it is within the knowledge of a number of us—that in very many instances indeed, where recognition is sought by the collective bargaining agency in any particular plant that the employer takes the position that he is quite willing to abide as to recognition by the wish of the majority of his employees concerned, and so a request is made to Mr. Heenan's department for the holding of a vote by secret ballot in the plant to determine the wishes of the employees. So I thought it would be of interest if the Honourable the Minister had it available, to inform the Committee of how many requests for recognition in the Province had been disposed of in that amicable fashion.

WITNESS: I have not got the exact number here. Do not forget that I am under oath.

MR. AYLESWORTH: I understand that.

WITNESS: We will get you that—in fact, I should have had it. The fact is that we are having continually increasing numbers of employers and employees jointly asking for a vote to be taken to determine the bargaining agency. I do not want to go into that, because that is not always a pleasant picture to go into. The reason we have had votes taken upon a joint application of the employers and employees and the bargaining agency determined—these votes are taken the same as you take them at an election, they are secret votes—we have known employers to circulate a petition to see whether or not they voted right, and the boss going around with a petition, what is a man to do but sign it? So it is not all harmony, but eventually we will get those people together again.

Some of these strikes were caused because of delay by the federal department in reaching conclusions as to whether or not a commissioner would be appointed or a board of conciliation would be established, and the men just did not wait, because there is quite a little red tape. The men make an application, and there are so many days; that has to be sent to the management, and it has so many days to reply, and the Minister has so many days, and during a period like this when men are working in the heat every day, overtime and everything else, they just get irritable and they say, "That law is no good for us," and they just break loose, and a good many of these strikes have occurred in that way. The Industrial Disputes Act was enacted under peaceful conditions, and I am not so sure that it is conducive to the best stability in industry to-day, for this reason: We will say that a representative of employees, a union, applies for a board; he has to say that there will be a strike if a board is not granted, he has

to take an affidavit to that effect. Consequently, he takes a vote of his men at the beginning of these conciliation methods to determine whether the men will strike if they do not get a board. So they approach conciliation with a clenched fist immediately, and while there might be a lot to it in peace times, and I am not so sure, it is no way to have in war times that men have to vote. You know, sometimes men will vote for a strike and they have been assured that there is going to be no strike—"We want you to vote for a strike so we can apply for a board." They go about their business in the heat of the furnaces and other things, and they wonder when the strike is going to be called they have just voted for, and bother the life out of the union leaders. If we had had provincial legislation in the form of a Collective Bargaining Act, as has been suggested, quicker action would have been taken and final settlement of disputes and threatened stoppages of work or strikes would have been prevented. I am not saying they might have been; I am saying they would have been prevented.

I might also say that only during the wartime years can we use the Industrial Disputes Investigation Act, and not in peacetime, so we have to give consideration to peacetime as well as wartime, because all industries mentioned above involved in labour disputes are engaged in the manufacture of war materials and were brought under the Industrial Disputes Investigation Act as a war measure, and this cannot be applied in peacetime. That is one point I would like this Committee to take under consideration, that you are not legislating now for wartime; you are legislating as well for peacetime, and if it is going to be helpful in peacetime, so it should be helpful in war period.

As I said above, there is no provincial legislation at the present time which enables the Department of Labour to cope with labour disputes centering on collective bargaining as required in this day and this age.

This (some further typewritten information) may be of interest to the Committee. I may find something in this, Mr. Aylesworth, to answer your question. In 1942 there were 18 arbitrations involving wages or working conditions handled and brought to finality by our conciliation officers.

Conciliation officers supervised the taking of votes in 30 different plants for the purpose of determining the collective bargaining agency in each case.

I think perhaps that answers your question.

"Reinstatement of employees." There has been some number of employees dismissed because they belonged to a union or tried to form a union, and under P.C. 4020, many employees, wrongfully discharged, were reinstated in their place of employment through our conciliation service, some of those reinstated were paid for the time lost. Again I would like not to go into the number. I haven't it here, but I did not ask for the number.

Fifty-eight settlements of labour disputes over wages and working conditions, without loss of time, were brought about by our conciliation officers.

Of the nine conciliation boards established in 1942, seven recommended that employers and employees involved in the disputes should enter into a collective labour agreement. In all instances these recommendations were carried

out with the assistance of our conciliation officers. In other words, seven out of the nine boards recommended that the employers and employees enter into agreements. The reason I say with the assistance of our conciliation officers, they were not accepted just at the time the Board made their recommendations so we sent our conciliation officers in to persuade both parties to accept the recommendation of the Board.

This is not very important, but our conciliation officers have handled 460 cases dealing with wages and cost of living bonus for the Regional War Labour Board.

I do not need to go into all the Acts of the provinces that we have, except I would like to leave this memorandum with you ; it contains my own thoughts, and if you do, as I hope you do, propose some kind of a bargaining Bill you might not overlook these particular points:

"RE: PROPOSED COLLECTIVE BARGAINING LEGISLATION

1. Trade unions and associations of employees are considered to be unlawful associations in this Province, and the Bill should accordingly remove this stigma of illegality, which I understand still exists because the common law in this Province is still the same as it was in England in 1867.

2. As soon as the trade union is made a lawful association by special legislation the question then arises as to whether the trade union should be subject to the laws of this country which have been enacted since 1867, and to the common law itself.

3. Trade unions generally fear that they will be subjected to law suits and legal proceedings by powerful employers and associations of employers, and therefore ask that some special protection be given to them in this connection.

4. I would suggest, therefore, that the Bill provide that trade unions receive in this Province as much protection from law suits and legal proceedings generally as they have received in England.

5. Some legislative pronouncement or enactment seems necessary in order to make it clear to certain employers that they must negotiate and bargain with whatever representatives their employees have selected to act for them.

6. I hold the view that the Province, having jurisdiction over wages, hours of work and working conditions generally, can validly legislate with respect to this matter.

7. If the Province has jurisdiction, I think that any measure should provide a penalty for employers who refuse to negotiate in good faith with whatever representatives their employees have selected to bargain collectively for them.

8. There are other practices in industry incidental to collective bargaining which should be prohibited. I mention a few as follows:



- (a) an employer should not be allowed to discharge or discriminate against employees who have joined a union or who have requested collective bargaining.
- (b) an employer should not be allowed to influence his employees in their choice of their bargaining representatives, and should not be allowed to set up company unions or establish plant councils unless they are requested by the employees, and chosen by them in a bona fide way.
- (c) the employer should not be allowed to enter into 'Yellow Dog' contracts, that is, agreements in which the employees undertake not to become members of a trade union.

9. The Bill should provide that every collective agreement hereafter made shall contain appropriate provisions for the arbitration of differences arising out of the agreement itself.

10. The Bill should provide for settling disputes amongst employees as to the identity of the collective bargaining agency which is to represent them; and in drafting any such provisions careful attention should be given to the rights of groups of employees who, by reason of their particular trade or art, belong to or desire to belong to a craft union.

11. The procedure to be followed in determining the bargaining agency, that is the taking of votes, the secrecy of the ballots, the majority required, and any general rules governing such an election, should receive very careful attention.

12. There should also be provision for right of entry to the employer's establishment, for the examination of his books, and for the examination of the books of the trade union or unions involved, by representatives of the Department of Labour which presumably would administer any Bill which is enacted.

13. I think it is important also to provide that any proceedings taken by the administrator of the Act should not be subject to review in the Courts. I have no objection, however, to a provision which would enable the administrator to submit to the Court for an opinion, any question of law which might arise in the administration of the Act."

I have covered what I thought should be said, Mr. Chairman, unless you have any questions to ask.

MR. AYLESWORTH: Mr. Chairman, I would think it most helpful if a copy of Mr. Heenan's summation, as it were, were made available at once to the representatives of the Press, at least so that proper publicity can be given to it, and so that all particularly interested in the matter, whether they be here or not, can get an outline of what is in the Honourable the Minister's mind before this Committee.

THE CHAIRMAN: I think that is so.

MR. FURLONG: I think this should be filed as an exhibit.

EXHIBIT 3: Proposal re Collective Bargaining Legislation (13 paragraphs)  
by the Honourable the Minister of Labour.

MR. FURLONG: Q. Before you go, Mr. Heenan, I would like you to tell the Committee briefly what a collective bargaining agreement is. To make it brief—check me if I am wrong—it is an agreement made on behalf of a number of employees by a bargaining agent which provides the terms of employment. Is that briefly what it is?

A. Yes.

Q. And generally includes a clause whereby both parties submit their disputes to arbitration?

A. Yes.

MR. BREWIN: I am wondering if there will be an opportunity given to those who are represented here to ask the Minister one or two questions about the statement. I do not know that this is the right time to do so. I am assured my clients were most interested and impressed by what Mr. Heenan said. There are one or two points that could probably be elucidated by a few questions, if the Minister would like to answer them.

THE CHAIRMAN: As I understand it, that is what this Committee is here for, to get out all the facts. I haven't any objection at all to any of the interested parties asking the Minister any questions they like.

MR. BREWIN: Would you, Mr. Heenan, like to answer them now, or some other time?

WITNESS: Any time most suitable to you.

THE CHAIRMAN: Whom did you say you were representing, Mr. Brewin?

MR. BREWIN: The United Steel Workers of America. They are one of the largest trade unions in this Province, and are affiliated with the Canadian Congress of Labour as well as in the United States, where they are affiliated with the C.I.O. I would like just to ask Mr. Heenan one or two questions that bring out what he is saying. First of all, I would like to ask him, for the benefit of myself and the Committee, whether the Department of Labour has drafted or had drafted any legislation that sets out the principles in this last memorandum (Exhibit 3) he finished with, because it seemed to me that it would be very helpful to all of us, if there was such a draft, if we could see it and then make our representations about it.

MR. FURLONG: May I say that that is the business of this Committee, to investigate into Collective Bargaining and to report, and there will not be any Bill until such time as the Committee has finished its investigation. Then, if it sees fit to report that a Bill should be drawn, it will probably recommend the terms of that Bill, and it will be introduced in the House.

MR. BREWIN: It was just my suggestion that something in the nature of a draft had been prepared.

WITNESS: If you did that, you would not be investigating the principle of Collective Bargaining; you would spend all your time tearing this Bill to pieces.

MR. BREWIN: I think it would be helpful if we had something we could deal with. However, if that is not available there is no point in my pursuing it. Another thing I wanted to ask you about was, what did you envisage as to the machinery that would enforce this Collective Bargaining? You spoke of a penalty being imposed, and you read at one time that it should not be subject to the Courts except as to questions of law. Did you envisage the setting up of a board or something of that sort that could investigate these matters, and would have some power to enforce its decision?

WITNESS: I think you got me wrong when you said I suggested we should not go to court. The administration of the Act should not be taken to court. I would suggest myself, if I were going to be Minister of Labour for a thousand or more years, that the Bill be built around the Minister of Labour, and that he have the power of different things—I think it should be, other than there should be a labour relationship court, and there are others to provide a standing board of arbitration, but the labour men that have been before me prefer it should be built about the Minister of Labour. that he have a deciding voice in all these things except the penalties, and those should go to the court.

Q. I am suggesting to you, and I would like to get your comment on this, that in the United States there was not any effective procedure by which employers, obstinate employers, could be brought into collective bargaining relations with their employees, until the Wagner Act in 1933 set up a board which was composed of experienced and able people, who were able to understand all these matters and deal with them, rather than just leaving it to penalties and courts. Do you not agree with that?

A. You are asking my opinion now. Do not forget I am still under oath. These are matters, Mr. Brewin, I think should be brought out by the representatives of labour. Many of them I know have had many years of experience in these disputes, and they no doubt have made up their own minds as to what kind of court or body it should be left to. Then there will be the employers of labour, we will have their views. I would not like to give my views on that preceding theirs.

Q. Could I not get you to go this far, that any procedure which is merely applied through the courts would be extremely difficult for employees to carry out; for example, they would have to go before a magistrate; they would have to take time off from their work to do so. We all know that it would be subject to tremendous difficulties for them to proceed through the ordinary methods of the courts. Therefore, I am suggesting that from your experience as Minister of Labour you can probably tell this Committee that there are real difficulties about that, that make it an inadequate protection merely to have a penalty for refusal to bargain collectively that can be enforced by summary conviction in the courts. Wouldn't you agree with me about that?

A. No matter which way you take it, there are obstacles and difficulties in the way. You cannot have your bread buttered on both sides all the time.

Q. You will not go so far as to agree with me?



A. Not just now. I am hoping before the end of the proceedings—because I have only given you what I think is essential to the beginning of the inquiry—I hope you will call me again and give me an opportunity after I have heard other evidence.

THE CHAIRMAN: We will be glad to.

MR. BREWIN: I will not pursue the matter then. As I understood from you, the real problem is that there is a minority of employers who still do not want to accept collective bargaining. Is that right?

A. I am glad you brought that question up, because I forgot to say that they are the minority of employers. The great bulk of employers in this Province do recognize the men collectively and would not do without them.

Q. And the purpose of this legislation you propose would be to see that that minority would be compelled by legislation to accept the representatives of their employees, and another one of the main problems would be to find out who were the proper representatives of the employees, and we would have to have legislation?

A. That is right.

Q. Another thing you said—I may not have got it down correctly—when you spoke of other practices that should be prohibited, you spoke of company unions. Am I right in suggesting that one of the problems is the formation or control by employers in some cases of the organizations of their employees so that they are not generally independent and in a position to bargain as man to man, shall we say? Is that correct?

A. Yes.

Q. So you probably agree with me that any legislation that is going to effectively deal with this problem must provide that all company unions, in whatever guise they may be, and however they may be defined, shall not be permitted to stand as obstacles to genuine collective bargaining?

A. My idea about the whole thing, Mr. Brewin, is based on freedom of association. If the employees want any kind of union, no matter what name it is called by, that is the union they should obtain, free from influence by the employer. If the majority of the men request their employers that they want a union, that is the kind of union that they should establish.

MR. MACKAY: Mr. Chairman, I think this would be an opportune moment for the Minister of Labour to give you, if possible, a definition of a company union and a definition of a shop union. There are differences of opinion on that. I would like to get his opinion on it.

WITNESS: I don't know why you pick me.

MR. MACKAY: Well, you are under oath.

WITNESS: It is hard for the ordinary man to understand—it is hard for those

who are in the business all the time to understand, because it is not so much that the union is what somebody calls it, or has nicknamed it by that description. All unions are good, there are none bad, even the so-called company union is good, but does not compare with the independent union. A company union, as we understand it, is one in which the employer or management sets up a union, he is part and parcel of the union. To give you an illustration—some of you may guess where it is—only recently where the employees were getting a little unruly, wanted to form a union, the employer walked into the establishment one day, called them away from their work, set up a table and said, “Now, you fellows want a union; I am going to give you a union.” He acted as Chairman. He said, “Who will nominate the President?” Well, there was nobody nominated for president just there and then. He said, “I think so and so would be a good fellow. Anybody second that?” “Yes, I will second that.” “All right, that is carried. That is the President.” And so on, all the way down, the officials of the union were appointed in that way.

MR. NEWLANDS: How many unions do you know of that have been appointed in that way?

A. That is the most blandish one I have known of.

THE CHAIRMAN: Is that the only one you know?

A. That is the only one that was done in that way. There are other ways more polished: “If you fellows want a union, let us set up a union, and the company will finance the whole thing, provide the secretary and keep the minutes of the union.” Some of the company’s officials are actually on the board, on the grievance board. Of course, you must not think that in all of its activities of trades unionism they discuss wages and grievances all the time. Very often the employer gets a lot of suggestions that are useful in the matter of production. Take our two great railways to-day; they would not do without trade unions for anything. Many of the improvements of the last ten, fifteen, twenty years have been made at the suggestion of the employees, and they like to make them. Perhaps not more than half the time would be taken up with grievances.

At any rate, a company union is a union, as I understand it, in which the company officials sit in as part of the union. It is financed by the company—the hall, the literature and writing material; the minutes are kept by officers of the company, at least, some of the official staff, and so on. Under those conditions one would hardly think that that committee could take up grievances seriously. I will give you an illustration: in the Old Country they started with Whitney Councils, if you will remember. They were the bugbear for a long time. They were management and men mixed up together. They established one in Cape Breton in the steel works. I made a trip down there after I became Minister of Labour. We had heard in the House of Commons, and all up and down, that this was an ideal situation. I went down there on another case altogether; it happened to be the coal miners I had to go down to see. When I got there this committee wanted to see me.

THE CHAIRMAN: What committee?

A. The committee of the steel workers’ so-called Whitney Council or Shop-

craft. They asked me for God's sake to do something to get them out of that, to get them into a regular union. Of course, I asked what the trouble was. They said, "The management is sitting on it, and when we go in we never get a chance to talk of our grievances. They ask if we cannot improve on this and improve on that part of the factory, and couldn't we do this and that. The meeting is closed and we go on out." They had no opportunity of taking grievances up, and they could not with the officials of the company sitting there.

I do not know whether I am answering the question. If I am it is taking me a long time. A company union is a union dominated or financed by the officials of the company, and that is not freedom of association.

THE CHAIRMAN: Does that apply in every case of company union?

MR. AYLESWORTH: No. The Minister I think was defining what he had in mind in answer to a question by one of the Committee, as to what the phrase "company union" really means.

MR. NEWLANDS: What is a shop union?

THE CHAIRMAN: May I continue that for my own information? The description you gave of a company union, does that apply in every company union?

MR. AYLESWORTH: Not in every so-called.

WITNESS: Those are the only kind of unions we call company unions.

MR. NEWLANDS: Then there is a shop union.

THE CHAIRMAN: That is what you term a company union, the one you have described, where the union is dominated by the company?

A. Yes.

Q. My friend, Mr. Newlands, wants to know what you call a shop union?

A. I want to go back again and tell you we are just practically in growing pains in this country so far as unionism is concerned. Say in some particular shop or industry they want a union, and they go to the management and say they want a union; the management says, "All right, you can have a union. Go ahead and select your own committee. I will listen to them. I will do business with them." But it is a committee of their own employees in their own shop without any interference by anyone else.

MR. BREWIN: There is one question I wanted to ask more. Your idea, Mr. Heenan, I take it is, then, that any legislation that is going to establish real collective bargaining must provide for not allowing a company union as you have defined it to come in and fill the place. Is that right?

A. Unless the employees want it.



Q. I take it though if the employees wish to be dominated by the employer, it is not freedom of organization at all.

A. I would not tolerate any kind of union that was dominated or financed by a company.

Q. I think we are at cross purposes. What I have in mind is this: you are saying the employees may desired to be represented, not by an international union but by the employees of a particular plant?

A. Yes.

Q. Nevertheless, if that decision is arrived at by reason of pressure or domination on the part of the employer, then that is something that has to be dealt with. You do not get a free choice if there is any pressure.

A. I think if you caught my remark there, I said I would not tolerate any kind of union that was dominated or financed by a company.

Q. And therefore the legislation must deal with that problem to be effective, because you will agree with me that, for instance, in the United States in 1933 there was a tremendous growth of trade unions by reason of the passing of the N.L.R.A., was there not?

A. Yes.

Q. And because of the growth of unionism many employers formed company unions at that time, did they not?

A. That is right.

Q. And the National Labour Relations Act—in 1935 I think it was passed—was passed actually to deal with that very problem of the formation of company unions as a means of avoiding genuine collective bargaining. Do you agree with that?

A. Yes.

Q. And there would be a danger if we were to enact collective bargaining legislation in this country, if we did not look after the company union, that the same process would develop. Do you agree with that?

A. Yes.

Q. I am glad you mentioned it, because I think perhaps the Committee would like to have it brought out from someone of your experience, that the value of collective bargaining goes far beyond the mere avoidance of strikes. If you have a collective bargaining agency that is working with the employer on good relations with him, that results in such things as increased production, does it not?

A. Surely.

Q. So the purpose of collective bargaining in trade unionism is not merely to secure advantages with regard to wages, but goes much further than that to establish, as it were, an industrial partnership?

A. It makes the employee feel he is part of the industry.

Q. It has a psychological value partly to get better work, better results, because they feel it is part of their show. Is that right?

A. That is right.

Q. I was interested in your reference to the resolution that you say was passed August 15th, 1942, by the conference of Regional War Labour Boards.

MR. AYLESWORTH: He did not say it was passed; he said it was tabled.

WITNESS: It was proposed by myself and seconded by—

MR. BREWIN: Q. The purpose of that was to give the War Labour Boards the power to direct employers to bargain collectively?

A. That is right, the Regional War Labour Boards and the National War Labour Board.

Q. Had you contemplated in that resolution what would happen if they did not do so?

A. Yes, we had appropriate penalties.

Q. The determination of whom they should bargain with would be left with the Labour Board?

A. That is right.

Q. The phrase I caught, you said, that they be given the power to direct the employer or employees to do any act or refrain from doing any contrary to the government policy as outlined in P.C. 2685?

A. That is right. In other words, there should be no stoppages of work, no strikes, no lockouts.

Q. I was interested in that because it seemed to me it came quite near to the type of legislation that might be required, particularly in wartime. With that you would be giving a board of qualified people, some of whom represented organized labour, some of whom represented the employers, and no doubt a government-appointed one—you would be giving them the right to investigate the matter and direct that certain things be done in accordance with the general policy?

A. That is right.

Q. Is it your feeling that at the present time that type of legislation or direction would be most effective to deal with the problem?

A. It is very desirable, only there is no one to enact it except Ottawa.

Q. You will agree with me, I think, that any legislation that is passed must provide for a prompt solution of the question of who is to be the bargaining agency. If there is any loophole for long delay or legal proceedings, or difficulties of that sort, it will not meet the problem you have outlined?

A. No, it must be prompt.

THE CHAIRMAN: Have you any questions, Mr. Sullivan, you want to ask the witness?

MR. SULLIVAN: No.

THE CHAIRMAN: Have you, Mr. Aylesworth?

MR. AYLESWORTH: I do not think there are any questions at this stage, Mr. Chairman, that I would like to address to the Honourable the Minister. There is an observation I should like to make to the Committee, if I may.

THE CHAIRMAN: Very good.

MR. AYLESWORTH: It seems to me from what the Minister has said that it is abundantly apparent it is a minority only of the industry in this Province which refuses to recognize the will with respect to collective bargaining of the majority of its employees. That being so, if that is a fair statement the Minister has made, it really suggests itself to me that the orderly function of this Committee would be somewhat as follows: first, to inquire into the existing situation and machinery with respect to collective bargaining. Bear in mind that this is a time of war, and that while in times of peace the jurisdiction over civil matters such as this rests in the Province, in times such as the present there is what might be referred to as over-riding legislation on the part of the Federal Government. There is also public sentiment, the weight of public opinion and a declaration of policy by the Federal Government. And so, it suggests itself to me that this Committee might usefully at the very outset of its duties have brought out before it from proper sources, and I have no doubt such plans have been made, just what is the necessity or desirability or otherwise of compulsory collective bargaining machinery in the Province.

Then when the Committee considers it is adequately informed on the facts to enable it to deal with that question, and if the Committee decides that it is either necessary or desirable to have some form of compulsory collective bargaining legislation in the Province, then I think the Committee would be primarily interested in exploring the principles on which such legislation should proceed, and it should be interested in what exceptions, if any, to the application of such legislation should be made. For instance, are we to have compulsory collective bargaining with domestic servants, with agricultural employees, with employees of the Provincial Government, with employees of municipal bodies or municipal authorities and the like? Also I would think it important that this Committee formulate an opinion on what controls, if any, should be set up to safeguard employee, employer and the public with respect to the actions or the operations and functioning of collective bargaining agencies upon whom com-



pulsory benefits are bestowed. I think when these principles have been studied by this Committee, then, and only then, will this very capable Committee be in a position to formulate recommendations to the Government; first, as to whether or not there is at this time, in all the circumstances, a real need for compulsory collective bargaining; second, if so, the scope and application of that compulsion, what classes of employment it will apply to; and third, what controls, if any, truly should be imposed upon collective bargaining agencies concurrently with the bestowing of compulsory benefits or advantages upon them.

I do not know if the learned counsel for the Committee has in his own mind formulated anything like that procedure or not, but having had some experience in these matters, they suggest themselves to me as being very pertinent questions that the Committee would be interested in at some stage or other before it came to its conclusion.

THE CHAIRMAN: I think we would all be interested in these points, and I think probably you should present the views of your clients along those very lines to this Committee. We will probably have divergent views from the trades and labour congresses.

MR. FURLONG: We have decided to follow that line, Mr. Chairman.

MR. AYLESWORTH: I will be quite willing to express the views of my clients at the appropriate time. In order properly to do so, however, I think it will be apparent, inasmuch as those I represent are not the parties seeking the legislation, in order to present our views and to be constructive at all, I must hear the views of those various parties who seek the legislation. Because I would like to make this abundantly plain to the Committee right now with respect to those whom I represent, who are employers, that as employers they do not quarrel at all with the principle of proper collective bargaining. They do ask the question, and that is perhaps why I am here, to find out whether or not on proper inquiry, with the revealing of all the facts, there is or is not a necessity or desirability at this time for the Province to enact legislation for compulsory collective bargaining. And when that is determined, if it is determined, that there is such a necessity, then my clients wish to be as constructive as they can be, to help this Committee bring out the facts, and to enable the Committee to decide upon what sound principles any such legislation should proceed.

THE CHAIRMAN: I think that is very fair.

MR. FURLONG: On that point, Mr. Chairman, that would have been brought out more clearly to-day had we been fortunate enough to have the brief for the trade unions. To-morrow Mr. Mosher will be here, and he will be questioned along those lines in order to bring that out.

THE CHAIRMAN: Have you any further questions to ask the Minister, Mr. Furlong?

MR. FURLONG: I want to ask the Minister this one question with regard to a company union:

Q. Do you think that there should be legislation barring a company union

if a vote is taken in a plant, and the employees vote overwhelmingly in favour of that union?

A. No. If you did that you would abandon the freedom of association.

THE CHAIRMAN: Any questions you want to ask the Minister while he is here, Mr. Lang?

MR. LANG: No, Mr. Chairman. At the moment I am thinking of you and the other members of your Committee. If we are to go on this basis, I think we should know it now. What I am getting at is this: Conceivably I might have asked the Minister questions, but I doubt the wisdom of it at this stage. I had in mind the time that may be consumed if on every occasion when the Minister or someone else makes a submission, all the lawyers present are going to be asking questions. If they are, I would like to join in the throng. It strikes me as a matter of time, which is precious these days, if that goes on we may be here till midsummer.

THE CHAIRMAN: I do not agree with you there, Mr. Lang. I do not think there has been any overlapping this morning. I think we can leave it to the good judgment of counsel not to do any overlapping.

MR. LANG: I am not suggesting that, Mr. Chairman, for a moment. I am thinking of the future of the proceedings, and how we are to divide our time if this is to be gone on with by examination of lawyers other than counsel for the Committee.

THE CHAIRMAN: I think we will not waste much time.

WITNESS: I would like to amend my last answer. My answer was that that would be denying the employees freedom of association if they were overwhelmingly in favour of a company union. I would like to amend that by saying, so long as it is not dominated or financed by the company's officials.

MR. MACKAY: Mr. Minister, who would take up the vote in that particular instance?

WITNESS: I am hoping if you bring in a Bill, and I hope you will, that the Minister of Labour would be responsible for taking the vote. I probably should have said, if a vote or secret ballot was properly taken and the employees voted for the company union, then they should not be told they could not join that company union.

MR. AYLESWORTH: As I understand the Honourable the Minister, I think he made his position abundantly plain. He says just as long as a vote by secret ballot is properly supervised and taken, and is an expression of the majority of the employees, any such secret ballot should be given effect to, whether it be in favour of a so-called company union, a so-called shop union or a so-called international union, whatever it may be.

WITNESS: That is right.

MR. SULLIVAN: Mr. Chairman, if we are going to have a battery of lawyers

cross-examining any witnesses that come up here—we in the organized trade union movement I think can hold our own, we are not worrying about that—I feel the same as Mr. Lang, that we are going to waste a lot of time. Another point I would like to make clear, my friend over at the press table (Mr. Aylesworth) stated this was Labour's battle. If you have come here to consider a Bill at all, I think we should have it presented and put on the table. I think the Committee was established through one or two statements that were made by the former Premier of this Province, Mr. Hepburn. He stated that he intended to introduce at this session of the Legislature a Bill guaranteeing the right to bargain collectively. Then on the 29th January Premier Conant made the same statement. I think myself we are getting a little mixed up here, because it is not the Trades and Labour Congress of Canada or a C.I.O. Bill that is coming up here; it is a Bill that was supposed to be introduced by the Government. That is what we are supposed to be about here—there was supposed to be a Bill at this session. I do not see what could have been arrived at if the Trades and Labour Congress had had a brief ready this morning. I think after the statement of the Honourable Minister that we will be able to bring in something really constructive, but I think we should decide right now that any questions that are going to be asked should be asked through the lawyer for the Committee itself, or you are liable to have a hundred unions in this town coming in here—God knows there are plenty of them—with lawyers, and we will be here not only till the middle of the summer but until this time next year. I think if anybody has any questions to ask they should be submitted in writing to the lawyer for the Committee, and he can introduce them.

MR. BREWIN: Might I make a remark about that, Mr. Chairman, because it was my questions that seemed to provoke this discussion? I certainly do not want to waste the time of the Committee. I came up here with the purpose of being helpful. The Minister made an excellent statement of what he has in mind, and I was anxious to assist the Committee by elucidating one or two points. It is not my intention nor the intention of my clients, a very large and important trade union particularly affected by this matter, because it happens to be in a field of industrial unionism which is expanding and likely to continue to expand, and which will meet most of the opposition, if there is any opposition, that the Minister spoke of, to waste a lot of time. As to most of the witnesses I will be very happy to let their statements go. I felt when the Minister of Labour of this Province was before this Committee it would be a great pity to let him go without elucidating a few important points, because, after all, the responsibility rests with the Government in the ultimate analysis, and the Minister has had a very wide experience. Speaking for myself—I do not speak for any other counsel who may be here—I certainly do not intend to indulge in long cross-examinations, and I am quite prepared to say that, generally speaking, I do not intend to examine the witnesses at all. I will be quite content to see what goes on and be of help to the Committee. I do not think the Committee will object to counsel interjecting one or two questions that may be helpful. I quite see the force of what Mr. Sullivan has said, but I still think the Committee can use its discretion, and if it finds the questions are getting overly long or burdensome, or not honestly helping them, I am sure I, for one, will be glad to be stopped and told not to go on.

THE CHAIRMAN: I think from the experience we have had this morning that no time was wasted. I think the questions asked by Mr. Brewin and the ob-



servations made by Mr. Aylesworth, as well as the questions asked by Mr. Furlong, have been productive of information. I do not see how we will save time, Mr. Sullivan by having Mr. Brewin or Mr. Aylesworth sit down and write the questions and hand them to Mr. Furlong and then have Mr. Furlong get up and ask them.

MR. SULLIVAN: The point I was trying to bring out—I know at least fifty organizations in Toronto that want to appear before this Committee. If each one of them brings in a lawyer I can see where we will have to move upstairs and take the Assembly Room and we will need half of that for lawyers alone. If they make it brief and to the point, anything they want to bring out all right.

THE CHAIRMAN: We will get along.

MR. FURLONG: I was going to suggest the Committee might make a ruling now to the effect that when any organization is presenting its brief it should not be interrupted by cross-examination, and then the matter of being permitted to question be dealt with at each time by this Committee.

THE CHAIRMAN: Yes, the Committee will be quite capable of doing so. All we want are the facts, and we will get them if you give us a little time. Some of the questions asked by some members of the Committee have been very helpful this morning and brought out information. Do any other Committee members want to ask the witness anything before he goes temporarily? (No response.)

MR. FURLONG: Mr. Chairman, it is now almost one o'clock, and the next witness is Mr. Finkelman. I think probably it would not be wise to call him for ten minutes and then adjourn. I am going to suggest we adjourn now and reconvene at two o'clock.

THE CHAIRMAN: All right, the Committee stands adjourned until two o'clock.

Adjourned at 12.50 until 2.00 p.m.

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## AFTERNOON SESSION

TUESDAY, MARCH 2, 1943

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—On resuming at 2 p.m.

THE CHAIRMAN: All right, gentlemen, you will please come to order. Mr. Furlong.

MR. FURLONG: Mr. Chairman, at this time I am going to ask Mr. Finkelman to take the witness stand in order to make a statement with regard to the scope of federal legislation relating to trades unions and their activities and the field available for legislative action by the Province.

Mr. Finkelman, will you please take the stand?

JACOB FINKELMAN, sworn.

THE WITNESS: Am I sworn to tell the truth about the law, too?

THE CHAIRMAN: Your opinion.

Examined by MR. FURLONG:

Q. Mr. Finkelman, you are, I understand, a professor now with the University of Toronto?

A. That is right.

Q. Your business is that of teaching labour laws in law school?

A. Yes, that is right.

Q. How long have you been a professor with that school?

A. I have been on the staff of the University since 1930.

Q. You are a graduate of Osgoode Hall, Toronto?

A. And of the University.

Q. The study and teaching of labour laws is your job?

A. Yes.

Q. Have you prepared a memorandum dealing with the scope of federal legislation relating to trade unions and their activities and the field available for legislative action by the Province of Ontario?

A. Yes, I have.

Q. Will you proceed with that, please?

A. Federal legislation in respect of trade unions and their activities may be dealt with under four headings:

- (1) Provisions of the Criminal Code;
- (2) The Trade Unions Act;
- (3) Conciliation legislation;
- (4) Legislation under the War Measures Act.

First of all, as to the provisions of the Criminal Code, the Criminal Code, of course, deals with the criminal aspect of picketing, it prohibits the breaking of certain employment contracts which affect public safety and convenience and it gives to employees a measure of protection against criminal liability for conspiracy. By an amendment enacted in 1939, the Code makes it an offence for

an employer wrongfully and without lawful authority to discriminate against an employee solely on the ground that he is a member of a trade union, or to seek by intimidation to compel an employee to abstain from belonging to a trade union.

In addition, trade unions of employees or workmen are exempt from the combines and anti-trust provisions of the Code, so long as they are acting for their own reasonable protection as such workmen or employees. There is a similar provision which appears in the Combines Investigations Act.

We now come to the Trade Unions Act. In 1872, the Parliament of Canada passed the Trade Union Act which was patterned on the British Trade Union Act of 1871. This Act deals generally with the legal position of trade unions, the registration of trade unions, protection of trade union funds and property and so on. The courts have intimated in a number of cases that this Act is *ultra vires* of the Dominion. There are at least three cases on that; one in the Supreme Court of Canada and two in the courts of Ontario. However, that may be the Act is of slight importance, since it is made applicable only to trade unions registered thereunder and only thirty-three trade unions in all have availed themselves of the right of registration. As a matter of fact, in so far as the matters dealt with in this Act fall within the jurisdiction of the Dominion to legislate in respect of criminal law, they are now covered by provisions of the Criminal Code, so that if a trade union does not register under the Act it still enjoys the same privileges as a trade union which does register.

Dealing with the third heading of conciliation legislation, in 1907 the Parliament of Canada passed the Industrial Disputes Investigation Act. The industries affected by the Act were mining, agencies of transportation and communications, public service utilities, including railways, whether operated by steam, electricity or other motive power, steamships, telegraph and telephone lines, gas, electric light, water and power works; disputes relating to railways might also be dealt with under the provisions of the Conciliation and Labour Act. In 1925, the Judicial Committee of the Privy Council, in the case of *Snider vs. Toronto Electric Commissioners*, 1925, Appeal Cases, 396, declared the Act to be *ultra vires* of the Dominion—that is, the Industrial Disputes Investigations Act—and the Act was thereupon amended to bring it within the competence of the Dominion. At the present time, although the Act still applies to the same type of industries and undertakings as before—that is to say, it is still confined to mining, agencies of transportation and communications and public service utilities—such industries and undertakings are governed by the Act only if they come within one or other of the following provisions:

First of all, they constitute works and undertakings within the legislative authority of the Parliament of Canada;

Secondly, they constitute works and undertakings which are not within the exclusive legislative authority of any province;

Thirdly, they are involved in disputes which the Governor-in-Council by reason of any real or apprehended national emergency declares to be subject to the provisions of the Act;



Fourthly, in the case of industries which are within the exclusive legislative jurisdiction of a province, there is provincial legislation making them subject to the provisions of the Act.

That is to say, these provincial industries do not come under the Act unless there is concurrent provincial legislation. As a matter of fact, in Ontario, in 1932, the Legislative Assembly passed the Industrial Disputes Investigation Act, bringing provincial industries, or those industries which are within provincial jurisdiction, under the Dominion Act, and I will have something to say about that in a moment.

To avoid misapprehension, it should be borne in mind that concurrent legislation by the province under the last head mentioned above does not make the Dominion Industrial Disputes Investigation Act applicable to all industries within the province, but only to those types of industries which are covered by the Act—that is to say, mining, public utilities and so on. In addition, the Industrial Disputes Investigation Act—that is, the Dominion Act—in Section 64, provides that, in the event of a dispute arising in any industry or trade other than such as may be included under its provisions, the parties may render themselves subject to the Act by mutual agreement in writing and that, upon such agreement being filed, all the terms of the Act should apply to such industry or trade. In view of the definition sections of the Act, it would seem that the industries or trades referred to in Section 64 of the Dominion Act would have to be of the same type as those covered by the other provisions of the Act, namely, mining and public utilities. That is my submission, because of the definition of the word “employer” and the Act says that it applies only to disputes between employers and employees. Going back to the definition section of “employer” we find the Act applies only to employers conducting industries to which I have already referred. On the other hand, if the intention of Parliament was to cover a wider group of industries, it is submitted that the provisions would in a great many instances affect industries which fall within the exclusive legislative jurisdiction of the province. In these circumstances, the consent of the parties cannot give jurisdiction to the Dominion, and the Act can be made to apply to such industries only if there is concurrent legislation by the province. In any event, the Act would apply to such industries only if the consent of both parties were obtained and not otherwise. Indeed, there is some doubt as to whether a province can by concurrent legislation do what the Act of the Federal Parliament seeks to permit them to do. In other words, recent cases suggest that such legislation may be outside the jurisdiction of a provincial legislature. To complete the picture we should note at this point that railway disputes may also be dealt with under the Conciliation and Labour Act, which will be discussed later.

The Industrial Disputes Investigation Act does not outlaw strikes and lock-outs. It merely provides that where a dispute arises in an industry to which the Act applies, no strike or lockout should take place until a board of conciliation and investigation has had an opportunity to look into the facts with a view to reconciling the parties and in default thereof to report to the Minister the facts and circumstances of the dispute and the Board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case. The parties to a dispute may agree in writing to be bound by the recommendation of the Board, and in such an event the recommendation may, on the application of either party, be made a rule of court, and it is enforceable in like manner.

Although the Act is somewhat vague on the point, it would appear that, in such an event, a strike or lockout in contravention of the recommendation would be illegal. In all other instances, however, there is no legal obligation on either party to accept the recommendation of the Board, and there is no legal sanction provided by the Act for their failure or refusal to accept the recommendations. Consequently, although pending the report of a board strikes and lockouts are prohibited, nevertheless, after the Board has reported, the parties are free to take such action as they deem fit, and there is no restriction upon their right to strike or to declare a lockout.

Another weapon in the armoury of the Federal Department of Labour for dealing with industrial disputes is the Conciliation and Labour Act. Under this Act, the Minister of Labour has authority to seek to resolve differences between any railway employer and railway employees where it appears to him that the parties to the difference are unable satisfactorily to adjust the same, and that by reason of such difference remaining unadjusted a railway lockout or strike has been or is likely to be caused, or the regular and safe transportation of mails, passengers and freight has been or may be interrupted, or the safety of any person employed on a railway train or car has been or is likely to be endangered. The machinery which the Minister may establish for that purpose is a committee of conciliation, mediation and investigation. If this committee fails in its endeavours to conciliate the parties, the Minister may appoint a board of arbitrators. Such a board is required to investigate all the facts and circumstances connected with the difference and to make a report to the Minister setting forth the cause of the difference, and the board's recommendation with a view to its removal and the prevention of its recurrence. While the Conciliation and Labour Act, itself, does not prohibit strikes or lockouts, nevertheless, the Industrial Disputes Investigation Act takes care of the situation by prohibiting such action being taken prior to and during a conference of a railway dispute under the terms of the Conciliation and Labour Act. Apparently after the board of arbitrators has reported, the restriction on the right to strike or to declare a lockout is removed.

In connection with disputes other than railway disputes, the Conciliation and Labour Act authorizes the Minister to exercise all or any of the following powers:

- (a) To enquire into the causes and circumstances of the dispute:
- (b) To take such steps as to him seem expedient, for the purpose of enabling the parties to the dispute to meet together by themselves or their representatives under the presidency of a chairman mutually agreed upon or nominated by him, or by some other person or body, with a view to the amicable settlement of the dispute;
- (c) On the application of employers or workmen interested, and after taking into consideration the existence and adequacy of means available for conciliation in the district or trade and the circumstances of the case, to appoint a conciliator; and
- (d) On the application of both parties to the dispute, to appoint an arbitrator.

However, the Act places no restriction on strikes or lockouts in the last mentioned industries even while the enquiries or negotiations are in progress.

We now come to the legislation which might be called the war legislation—that is, the legislation which was enacted by the Dominion by Order-in-Council under the War Measures Act. Shortly after the outbreak of the war, or more precisely, on November 7th, 1939, the Federal Government passed an Order-in-Council, P.C. 3495, extending the operation of the Industrial Disputes Investigation Act to disputes between employers and employees engaged in the construction, execution, production, repairing, manufacture, transportation, storage and delivery of munitions of war and supplies, and in respect also of the construction, remodelling, repair and demolition of defence projects as defined in the Order. The Order defines the terms “munitions of war and supplies, and defence projects.” I will not trouble the Committee with those interpretations now. I can give them to you if you so desire. This simply brought all those industries under the Industrial Disputes Investigation Act. It did not set up any new machinery. The machinery of the Act itself proved inadequate to deal with the numerous requests for boards of conciliation and investigation during a period when trade unions were engaged in an intensive organizational campaign. To meet the situation, Order-in-Council, P.C. 4020, setting up an Industrial Disputes Enquiry Commission, was passed on June 6th, 1941. This Order has been amended on a number of occasions, but substantially it is still the same. This Order enables the Minister to authorize an Industrial Disputes Enquiry Commissioner—a sort of trouble-shooter—to make a preliminary investigation in any instance where a strike has occurred or seems to the Minister to be imminent, whether or not an application has been made for the establishment of a board of conciliation and investigation. If the Commissioner is unable to effect a settlement of the dispute to the mutual satisfaction of the parties, he is required to advise the Minister on the matter at issue and whether the circumstances warrant the appointment of a board of conciliation and investigation. May I interject at this point that the Commissioner is not supposed to make any comment on the merits of the case while he is pursuing his investigation. Apparently he is to be tongue-tied. The normal course in such an event is for the Minister to appoint a board, and the matter is dealt with thereafter in the same manner as any other dispute which comes under the Industrial Disputes Investigation Act. The restriction upon the right to strike and to declare a lockup provided for by the Industrial Disputes Investigation Act is extended over the period during which the Industrial Disputes Enquiry Commissioner pursues his investigation.

The Order-in-Council also confers upon the Minister power to direct the Commissioner to look into any allegation that a person has been discharged or discriminated against for the reason that he is a member of or is working on behalf of a trade union, or that any person has been improperly coerced or has been intimidated to induce him to join a trade union. If the Commissioner is unable to effect a settlement in such a case, he must forthwith report his findings and recommendations to the Minister. In dealing with a matter of this sort, however, the Minister's authority is much more extensive than in other cases. In this case he is empowered to issue whatever order he deems necessary to effect the recommendations of the Commissioner, and his order is final and binding upon the employer and employees and any other person concerned.

By the latest amendment of this Order passed on January 19th, 1943, the



Minister may appoint an Industrial Disputes Enquiry Commission for the purpose of investigating any situation which in his opinion appears to be detrimental to the most effective utilization of labour in the war effort. Upon the commission reporting its findings and recommendations to the Minister, the latter may take such steps as he deems necessary and desirable to effect such recommendations. It is noteworthy that in this connection the Order-in-Council does not declare that the Minister may make an order to effect the recommendations of the Commission and that such order should be final and binding. That was the situation in connection with the reinstatement of a person found to be improperly discharged or discriminated against. The language here is different, and it is rather difficult to know just how far the Minister is empowered to go under this amending provision in carrying out the recommendations of the board.

A further restriction upon the right to strike in the case of those industries which are covered by the Industrial Disputes Investigation Act as extended to war industries by Order-in-Council 3495 of November 7th, 1939, was imposed by Order-in-Council P.C. 7307 of September 16th, 1941. Now, just let us get back to the original situation, for a moment, under the Act. As we have already seen, after a board of conciliation and investigation under the Industrial Disputes Investigation Act is reported the parties are free, or were free, to take whatever action they saw fit. The present Order-in-Council—that is, P.C. 7307—declares that after a board has reported a strike can take place only if certain specified steps have been taken. The steps are as follows: If the employees desire to go on strike after they have received a certified copy of the report of the board, they must so notify the Minister. Then, upon receipt of such notification, if the Minister is of the opinion that a cessation of work would interfere with the efficient prosecution of the war, he may direct that a strike vote be taken under the supervision of the Department of Labour subject to such provisions, conditions, restrictions and stipulations as he may make or impose. The vote must be taken within five days after the Minister receives the notice that the employees desire to take a strike vote. The persons entitled to participate in the voting are all the employees who in the opinion of the Minister are affected by the dispute. Unless a majority of the ballot of those entitled to vote are cast in favour of a strike it is unlawful for any employee to go on strike. On the other hand, if a proper majority votes in favour of a strike, the Order does not restrict the right of the employees in any way.

On June 19th, 1940, the Federal Government issued a statement of government policy regarding labour in the form of an Order-in-Council, P.C. 2685, to which the Minister of Labour referred this morning. This Order declares that employees should be free to organize in trade unions free from any control by employers or their agents, that employees through the officers of their trade union, or through other representatives chosen by them should be free to negotiate with employers, and that collective agreements should provide machinery for settlement of disputes. However, this Order-in-Council establishes no machinery for enforcement, and it contains no legal sanction. Consequently, in so far as the law is concerned, it amounts to no more than a benevolent expression of good will.

When I prepared this memorandum I overlooked one Order-in-Council, namely, an Order-in-Council to which the Minister of Labour referred this morning, P.C.10802, of the 1st of December, 1942, permitting collective bargaining by employees of Crown companies.

That summary covers the field which has been occupied by the Dominion. We come now to consideration of the field which is left to the province. It is obvious that those aspects of labour law which lie within the domain of criminal law have been assigned by the British North America Act of 1867 exclusively to the Dominion. Again, since federal public works, and what are referred to as Crown companies, lie within the exclusive competence of the Dominion, it follows that labour legislation, whether criminal or civil, affecting such works also belongs to the Dominion. A similar situation obtains in the case of those railways, steamships, telegraph and telephone lines and works declared to be for the general advantage of Canada or of two or more of its provinces which are within Dominion jurisdiction. Now, by decision of the Judicial Committee of the Privy Council, radio also lies within the sphere of the Dominion. In the main, the balance of what is usually referred to as labour legislation is assigned to the provinces since it constitutes legislation in relation to property and civil rights in the province. To some extent, we have specific judicial authority for such a submission. Thus, in 1937, the Judicial Committee of the Privy Council declared that such matters as hours of labour and minimum wages fell within the provincial sphere. Similarly, Sir Lyman Duff, Chief Justice, then Mr. Justice Duff, in the case of *Chase vs. Starr*, 1924, Supreme Court Reports, 495, at page 507, expressed doubt as to the validity of Section 32 of the Dominion Trades Union Act because it infringed the jurisdiction of the provinces. His doubts have been repeated not only with respect to that clause but as to the whole Act by the Ontario Court in at least two instances. These decisions are bolstered by the whole trend of the jurisprudence of the Judicial Committee of the Privy Council in interpreting the British North America Act, 1867, and there is little doubt that the provincial legislature is fully competent to enact legislation covering those aspects of collective bargaining which have been dealt with by the other provinces of Canada. Thus, for example, the Legislature of Ontario could deal with the status of trade unions, the right of employees to organize and to bargain collectively, collective bargaining machinery, arbitration of industrial disputes and related matters.

Now, the question may arise, however, as to the extent to which the Dominion has occupied the field by virtue of its emergency powers in time of war. In this connection it is submitted that an adequate collective bargaining measure could be enacted by the Legislature of Ontario to operate side by side with the various Orders-in-Councils discussed above. In general, these Orders are merely ancillary to the processes of collective bargaining; they do not make collective bargaining a component element in industrial relations. Thus, for example, if a collective bargaining measure enacted that an employer should bargain collectively in good faith with his employees, such a provisions could in no way be regarded as infringing any statute or Order-in-Council of the Dominion. Similarly, a provision relating to the arbitration of industrial disputes would of necessity prevent a strike or lockout occurring in an industry and consequently the industrial dispute machinery of the Dominion would not affect that industry so long as the provincial Act was being observed. It would be possible to give further examples, but it is unnecessary to labour the point. In conclusion, I am submitting that the Legislative Assembly of Ontario has full jurisdiction to enact an adequate collective bargaining measure.

MR. MACKAY: Q. Dealing with the last question, you say that the Legislative Assembly of Ontario has full jurisdiction to enact an adequate collective bargaining measure. They equally have the right to put in penalties?

A. Certainly, they have power to enact penalties to enforce the observance of any provincial contract. They have just as much power to impose penalties in such a case as you have to impose penalties under the Highway Traffic Act.

MR. FURLONG: Mr. Chairman, I had hoped to be able to give each member of the Committee a consolidation of the Acts of other provinces in order to show what they have done is more or less in line with what Mr. Finkelman has told you to-day, but that involves a lot of work and I am afraid it is not going to be ready until to-morrow, or probably the next day. We will proceed with Mr. Finkelman's evidence, giving you a brief summary of each one of those Acts in order that we may have it briefly, rather than to read the whole Act. By giving you the book you will be able to read it at night, or at least I hope so.

THE CHAIRMAN: A digest of the collective bargaining legislation, just in the province?

MR. FURLONG: A little digest in the front, of each Act, with the index in the front.

THE CHAIRMAN: Does it extend to the United Kingdom, Australia and New Zealand?

MR. FURLONG: Yes. It will when we have it completed. I thought I would give you what we had first.

I would like to ask Mr. Finkelman a couple of questions with regard to unions, which may come up later.

My first question is, what are the objections which unions ordinarily have to incorporation?

A. I think the best way I could answer that would be by reading the comments of the Solicitor-General for Great Britain during a debate in the House of Commons on the occasion of the introduction of the Trade Disputes Act of 1906. There was argument advanced that trade unions should be incorporated, and this was his reply:

"Let us apply this test fairly to trade unions as compared with other corporate organizations. It will be obvious to all that, if trade unions are to be made subject to action, if they are to be put under the liabilities attaching to incorporation, they must also have the privileges of incorporation. They must be entitled to bring actions to enforce contracts upon which their very legal existence is founded, they must be entitled to bring action to enforce contracts between a union and each of its members. I do not know whether Hon. Members opposite are quite willing to embrace that doctrine in all its consequences. It would, of course, be a novel and monstrous doctrine to say that there should exist under our law an organization which is to be liable to suits against it as if it were an incorporated body and yet not be allowed to enforce its legal contract against its own members. What would be said if these gentlemen who sent out this circular from the employers' associations were told that there must be a sort of limited liability company devised which should be subject to all rights of action on the part



of third persons or anybody else, but which should not be allowed to sue its own members for calls? It might have its own exchequer depleted by the action which might be brought against it and yet not be entitled to turn round and sue its members on their contract in order to replenish its depleted exchequer. Why, everybody would say that that was not only an injustice, but a monstrous absurdity. But let Hon. Gentlemen who demand equality take note of the fact that the position, which I have described as hypothetical in regard to limited companies is precisely the position that trade unions occupy under recent decisions."

There was a decision in 1901 of the House of Lords in the Taff-Vale case which settled that trade unions had acquired what is known as a quasi-corporate status; that is, that they were a sort of corporation, and that was the result of the British Trade Union Act of 1871.

Going on with the statement of the Solicitor-General:

"If you want equality there are only two ways by which it can be achieved. You must either, as some people desire, incorporate trade unions, putting them under all liabilities of action and endowing them with right of action, or you must give them neither the right nor the liabilities of action. For my own part, I find it difficult to defend any intermediate proposition. If we, following the love of compromise so dear to us all—or which, whether we love it or not, becomes a habit by force of circumstances—seek for some middle course we shall probably find ourselves adopting a course which is not legally defensible, which will give rise to complaints either of privilege or oppression, according to the point of view."

That sets out the objections to incorporation. Some of the effects which incorporation would have if it were in force are given further on here, if it should interest the Committee. I do not know whether or not it would.

Q. Did they in Great Britain give them corporate status?

A. When the Act of 1871—that is, the Trade Union Act—was passed, the general opinion was that the Act had not conferred any corporate status upon trade unions. Then, in 1901, the House of Lords, as I said a moment ago, in the Taff-Vale case, decided that the unions had a quasi-corporate status, and the result of that decision was that in 1906 the Trade Disputes Act of that year was passed which, in fact, while it left them with this quasi-corporate status, relieved them of all liability to suit for tort. So, the corporate status has no effect on their liabilities.

Q. In other words, that restricts them, to some extent, from being sued?

A. Well, it probably goes much further than that, because, if I may just read the section, Section 4 of the Trade Disputes Act of 1906:

"An action against the trade unions whether of workmen or masters or against any members or officials thereof on behalf of themselves and of other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union shall not be maintained by any court."

Q. That would not exclude a criminal court for any criminal act?

A. Oh, no; that is reserved.

Q. Generally speaking, the contract, as we know it now, between a union and an employer, is not enforceable in law. Will you deal with that for a moment, please?

A. I am afraid that has to do with one of the books I forgot to bring down, but there is a decision of the Judicial Committee of the Privy Council, I think about 1931, which declares that a collective labour agreement is not an agreement which is enforceable in a court of law, and it says specifically that the only way of enforcing such an agreement is by a strike. That is not my conception of the case, but that is the opinion of the Judicial Committee.

Q. And, therefore, a union must be given some status and some law must be enacted to provide for the enforceability of the contract before that could be done?

A. If you desired the enforceability of a collective labour agreement, you would have to pass legislation to that effect. As a matter of fact, you would probably have to go much further. At the present moment a trade union is not an entity known to the law, so, unless you gave it some right, some capacity to sue or be sued, there would be no way of suing it. There would be no way of getting it before the courts at all.

Q. And the reason for that is that there are many provisions, I take it, in the ordinary collective bargaining agreement, which are deemed to be in restraint of trade, thereby making it illegal? Is that not right?

A. That may be true in a collective agreement. That was one of the objections which Mr. Justice Raney raised to the collective agreement in the case of Polakoff vs. Winters Garment Co. That was in 1928, I believe.

MR. FURLONG: Mr. Chairman, that is as far as I am prepared to go to-day, unless the members of this Committee sees fit to ask Mr. Finkelman questions.

MR. CHAIRMAN: Any questions, gentlemen?

Have any of the counsel here any questions?

MR. NEWLANDS: Q. If you bring in this legislation, dealing with collective bargaining, as far as our Government is concerned, there is no way in which we can enforce the unions to carry it out?

A. You mean under the legislation as of to-day?

Q. Yes.

A. That is right.

Q. We would have to bring in other legislation to cover that point.

A. Yes.

MR. OLIVER: Q. Are unions incorporated in any province in Canada?

A. In the province of Quebec, but in none of the common law provinces.

MR. AYLESWORTH: Q. Through you, or the Committee Counsel, I would like, Mr. Finkelman, for you to either now or later bring out whether or not in point of fact there is compulsory collective bargaining legislation in Great Britain?

THE CHAIRMAN: Q. Mr. Finkelman, can you tell us that?

A. The answer is that there is no compulsory collective bargaining legislation in Great Britain in times of peace. There is an Order-in-Council—and I have not it with me to-day—which deals with the situation in time of war. There is no legislation in time of peace.

MR. HAGEY: Q. Is there any explanation of why they are so advanced there in their labour legislation?

A. The explanation seems to be that no employer would care to refuse to bargain collectively. I think that explains it entirely. I have seen statements, as a matter of fact, by reputable authorities—and I believe the statement was read in the House on the occasion of this matter being referred to the committee by one of the members of the House, that no employer in Great Britain—the average employer in Great Britain would not deal with non-unionists. I think my memory is correct on that. I am not quite sure.

MR. LASKIN: I am representing the Amalgamated Clothing Workers of America.

THE CHAIRMAN: What are your initials?

MR. LASKIN: B. Laskin, Mr. Chairman.

As I say, I am representing the Amalgamated Clothing Workers of America, an organization which has 3,500 members in this locality, and the International Ladies' Garment Workers Union, an organization having 2,000 members in this locality. I am interested in having Professor Finkelman amplify the type of dispute, give us some information about the type of dispute with which boards of conciliation under the Industrial Disputes Investigation Act have generally dealt. We would like to get some idea as to the nature of the dispute which has come before that type of board. I think it is more important to know about that now because, in view of the extended jurisdiction under the Industrial Disputes Investigation Act, you can get a clearer picture for our purposes in England of the grievances with which this Committee might deal.

THE WITNESS: I cannot give any statement based on practical experience. I can only give a statement based on the interpretation of the term "dispute" in the Industrial Disputes Investigation Act. If that is what Mr. Laskin seeks, I can do that.



Q. No; I would like to know from you whether from either your experience or your knowledge you have any idea of with what the dispute deals. Does it deal with wages, hours, collective bargaining, closed shop, preferential shop, discrimination, and so on?

A. I think there have been commissions on every one of the problems you have mentioned. Mr. Heenan could probably give you more complete information about the number of or particulars in respect of disputes. I know that all those disputes have definitely come before these boards.

Q. You do not know what the major activity of the boards has been?

A. Since the war began, I would say that the bulk of the boards which have been appointed have dealt with various aspects of collective bargaining.

MR. BREWIN: Q. Mr. Finkelman, on this question of compulsory incorporation, there is no law of compulsory incorporation in regard to other forms of organization? I mean, can you think of any examples? Nobody who goes in business has to be incorporated?

A. No, I think you are right on that.

THE CHAIRMAN: A trust company does.

THE WITNESS: Yes; and banks.

THE CHAIRMAN: And banks.

THE WITNESS: And mortgage and loan companies.

MR. BREWIN: And insurance companies.

Q. But the ordinary company, the ordinary business, does not have to be incorporated?

A. No.

Q. So, in a sense, it would put trade unions on the same basis as banks and trust companies?

A. Yes. Mr. Furlong reminds me that partnerships have to be registered. I am afraid that is not a question with which I am acquainted.

Q. Now, you have spoken of the war-time legislation in England. I wonder if you have any more on that. You spoke of it being ordinarily constituted, and you spoke of it in war time. Can you enlarge on it, dealing with the question of recognition?

A. I have not it with me, and I would not care to go into that without my book in front of me.

Q. It is my impression, and perhaps you can confirm it, that there is a

good deal of legislation by Order-in-Council in England during war time which presupposes a recognition of the representatives of the employees.

A. Well, I think it would be fair to say that all English legislation dealing with trade unions or trade disputes since 1871 at any rate presupposes their effective organization.

Q. I wonder if you can give us a little more, switching to another subject. You told us of the Taff-Vale decision. Was it acceptable to labour that they should be incorporated, or was it the subject of a good deal of trouble in England for a number of years until it was repealed?

A. Well, it certainly caused a great deal of trouble. There was a Royal Commission appointed in 1903. Labour was so incensed about the matter that it refused to have any part or parcel of the commission. In 1906, the government brought in a Bill and the trade unions brought in their own Bill. As a matter of fact, the Attorney-General, Sir John Walton, when introducing the new Bill on that point, had this to say:

"A construction has been given to the legislation of 1871 and 1875 which, while it manifests a great desire to check abuse of power on the part of these organizations, has also seriously curtailed their usefulness and efficiency. A scope has been given to the law of conspiracy so loose and so wide that it is impossible to indicate beforehand what may be the legal character of the conduct of these organizations, and it is determined by the *ex post facto* decision of a legal tribunal. The undoubted right of legal persuasion has been cut down to the point of extinction. Funds which have been contributed largely for the purpose of provision against sickness or misfortune, or want of employment, have been held liable to meet claims which have rested upon repudiated acts of unauthorized officials. The result of this state of things has been to create a feeling of insecurity and a sense of injustice."

Q. So, I am right in putting it in this way, that in England, by reason of a decision of the House of Lords in 1901, it was held that registered trade unions were in the position of incorporated bodies and were suable and that was followed by several years of agitation and a feeling of disturbance on the part of the British trade unions, and eventually that was remedied by the passing of the Trade and Disputes Act of 1906?

A. That is right.

Q. In fact, my recollection of it is that it was that issue that largely helped to bring the trade unions directly in politics, and there were quite a number of labour representatives elected in 1906. Do you recall that?

A. Yes. I think that is right. That was one of the major issues in the election of that year.

Q. So, as far as this Committee is concerned, it has the benefit of Great Britain having had this experience between 1901 and 1906 as to the effect on trade unions of incorporation and what they felt about it, and, as you say, there was a Royal Commission dealing with the subject, and finally Parliament changed

the law so no longer they were in that position because they felt the burden of incorporation was greater than was fair to ask them to bear. Does that put it properly?

A. Yes, I think so.

Q. I do not think there is anything else I want to ask you. It is my understanding there is no other witness, so I am going on a little longer than I would otherwise.

The decision of the Privy Council to which you referred goes beyond the question of the legality in that, as I understand it, the arrangement was not entitled to be legally enforceable, that it was merely something which was to be enforced by mutual pressure.

A. I think that is right, but I would like to look at the report. I intended to bring it down but forgot.

Q. I desire to ask you with respect to the decision of Mr. Justice Raney in 1927—and I think you call it the Polakoff decision, if I remember rightly—whether it has been overruled or whether, as far as you know, Mr. Finkelman, it still represents the law in this province. It has been judicially commented on. I ask you that because the decision went a long way in saying that not only was collective bargaining legislation unenforceable but that so far as civil questions were concerned—

A. I would have to make certain comments in respect of that case before I could answer. You made the statement that a trade union is an illegal conspiracy in restraint of trade. That is a ghost the English courts have been trying to lay, I think, for seventy-five years. There is no such thing at common law since 1825 as an illegal conspiracy in restraint of trade. That is, a combination of persons in restraint of trade is not criminal. That has been so at least since 1825, although there are dicta in the courts, in the judgments which suggest that may be so, but the courts have decided both the Crown Cases Reserved and the House of Lords have held that restraint of trade is not criminal. So that, trade unions in Ontario, while they are still generally referred to as unlawful, are not illegal. That is to say, they are not criminal organizations of any sort, shape or description.

Now, as to whether their unlawful character is still in effect, my answer would be that Mr. Justice Raney's decision is the decision of one judge. There is a decision of the Court of Manitoba in the case of Chase vs. Starr, I believe, in 1924, in which they took a different view. For the benefit of the Committee, if I may, Mr. Chairman, I will explain that in a little more detail. There is a doctrine going back for a good many years that if you impose by agreement any restriction upon another person's freedom to work or to carry on business and so on, that is restraint of trade. That restraint of trade seems to be, as far as the courts are concerned, against public policy. That rule has been gradually relaxed, but in relaxing that rule the courts never seem to have considered the position of trade unions, and they have regarded them as having objects in restraint of trade—or, at least, let me put it this way: They have taken the attitude that any restriction of the by-laws of the trade unions which



prevent the person from taking any job, working at any wages he sees fit, the object is in restraint of trade, and therefore it is unlawful in the sense not that it is criminal but that the courts will not lend their support to enforce those objects, to carry those objects into legislation. The effect of that doctrine is that a trade union in Ontario to-day cannot sue at all. That does not mean 100% of trade unions, but I would say 99% of trade unions at least would fall under that doctrine. If a trade union sues in the courts to-day the person sued can come back and say "Your objects are in restraint of trade. Therefore you cannot be heard." It would mean if the officer in charge of the trade union funds decided to take a little holiday instead of handling the union funds in a proper way the court could not help a trade union to recover those funds. If a trade union took a lease that lease would not be of any value to the trade union, because the landlord could refuse to carry on. Any wrong committed against the trade union itself would not be redressable in the courts. I think that is the point which Mr. Brewin made.

MR. AYLESWORTH: Or one committed by the trade union.

THE WITNESS: Oh, no. I am afraid I would have to differ with you on that, because if you were to sue the trade union it does not lie in the mouth of the trade union to say "We are unlawful." It does in the case of a contract. On the civil side, yes, but that would apply only, for instance, in a case in which you are trying to enforce a benefit policy. However, where you brought an action against the trade union for an unlawful contract it would not lie in the mouth of the trade union to set up its own illegality or its own unlawfulness.

MR. AYLESWORTH: Q. Or where you brought an action to enforce its unlawfulness?

A. Yes.

HON. MR. HEENAN: Q. You told the Committee that there is no such thing in peace time in Great Britain as a compulsory piece of legislation governing collective bargaining, because there is no necessity for it; it is generally accepted. Then you went on to point out that during war time, however, there was some restriction on regulations by Order-in-Council.

THE CHAIRMAN: We cannot hear you.

HON. MR. HEENAN: There were some restrictive measures during war time in Great Britain, and would it not be after consultation and in co-operation with the labour movement of Great Britain that the Government enacts this legislation?

A. I think in the normal course of events no labour legislation is introduced in Great Britain to-day without consultation by both parties.

Q. They agree to restrict themselves?

A. Yes.

MR. HABEL: Q. Is there collective bargaining legislation in Australia and New Zealand?

A. Yes. I have not the legislation before me, but I hope to get you a memorandum of that later.

MR. OLIVER: Q. Is it compulsory in Australia and New Zealand?

A. I prefer not to answer that question at the moment until I have further opportunity to study the legislation.

Q. There is not any legislation, anywhere, which makes collective agreements enforceable?

A. Not in Canada.

Q. Or in the United States?

A. Or in the United States, as far as I am aware.

Q. Or in England?

A. Oh, no, they are not enforceable in England.

Q. Or in Australia?

A. I do not know whether there is any legislation which makes collective agreements enforceable.

THE CHAIRMAN: If they are not enforceable, what is the use of having them?

A. Here I may rely on experience I have had other than in the cloistered halls of the university. I have acted as arbitrator for the needle trades in Toronto for something over six years now. I am appointed by both parties—that is, the employers and employees—pursuant to the terms of their collective agreements. Those agreements are enforceable agreements. They cannot be enforced in the courts, but as far as the agreement in the Men's Clothing industry is concerned, that has been in force for twenty years and during that time, and long before my time, there has never been a strike. All disputes have been settled by arbitration.

Dealing with the other two industries for which I act I cannot tell you as much about their past history. One has had collective bargaining agreements since about 1919. They have had arbitration machinery for five or six years. The other one is new. It never had any collective bargaining agreement, as far as I am aware, before I came on the scene. In none of these three industries has there been a strike during my tenure of office. I have issued orders of all sorts. I have even issued orders where the parties are unable to effect a settlement. Rather than fight it out between themselves, as is usually the case, they have referred clauses to me which are in dispute between the parties and which they have not been able to settle. The last example of which I think has not been disposed of yet. In the cloak and suit industry in Toronto they have all but one clause settled. They have made arrangements for some celebration on a Saturday to celebrate the conclusion of their agreement. Friday afternoon they stumbled over this clause. They came to me and I could not

reconcile them. I said, "Gentlemen, I propose you put it into my hands, and I propose that you put into your agreement the clause which shall govern you and that it shall be such a clause as I will devise." I have been too busy to work it out. If a dispute arose on that particular clause I would have to arbitrate on what I was supposed to say some time ago. But, they still agree to be bound by my decision.

Q. Does that answer my question fully?

A. Well, I can just, as a practical matter, give you my experience, and it is not an isolated instance.

MR. FURLONG: As far as I have been able to ascertain, these agreements are more or less in the form of treaties, like the Versailles treaty. If anybody wishes to go to war they can go to war.

THE CHAIRMAN: And scrap the paper.

MR. FURLONG: Yes.

MR. AYLESWORTH: It would seem to me, from my study of this matter, and in view of what the professor has said, I would like to put the question now and see if he does not agree with this general statement of what the situation is, namely, that in England and here you have in Ontario the matter of whether there shall or shall not be collective bargaining left to the good sense of the parties, themselves, greatly influenced, no doubt, by the weight of public opinion, that when those agreements in fact are concluded—and there are a great many of them in Ontario, as we all know—they are really in the nature of mutual understandings between labour and management as to the carrying out of certain things of common interest to both of them and are not in any sense of the word legally enforceable contracts. They are expressions of intention, mutual intention, and are so proceeded with. It is true that in a very great many instances among other provisions in such documents is a provision for the appointment of an impartial umpire, or for the appointment of an arbitrator, and it is equally true that where such a provision does not occur in a particular agreement when trouble ensues very often the parties agree there and then to the appointment of an umpire or a referee and agree that his decision shall be final and binding upon the parties; but if, even after all that, sir, one or the other of the parties refuses to implement their word, it is still in the same position—it is not enforceable. So, in England, and to-day in this province, the authorities have not seen fit, other than by the force of public opinion and the good sense of the parties, and the progress of the times, to compel by compulsory legislation on the point the entering into of agreements which, by the same token, no authorities are prepared to make legally enforceable and binding. They have chosen not to make it compulsory to enter into such arrangements. I think they have been greatly influenced in not doing so by reason of the fact that one of the entities to those agreements, namely, the bargaining agency, is not an entity known to the law and is not suable, so they do not introduce the compulsory feature but leave it to the good sense of the parties and the weight of public opinion. I was wondering if Mr. Finkelman would agree with me that that is the general position with which we are confronted to-day on this question of compulsory bargaining?



THE CHAIRMAN: Q. Do you agree with Mr. Aylesworth that is a fair presentation of the existing condition?

A. I would like to see that statement in writing and examine it before answering it. Without expressing any agreement with that statement I may be prepared to express agreement or disagreement at the next session.

Before I go on, the Hon. Mr. Heenan has just reminded me that the railway agreements have been going on for a great many years and affect hundreds and thousands of employees in this country and in the United States, and while they are not enforceable they are not legally binding, but nevertheless they have always been lived up to by both sides.

Q. Then, it gets down to good faith on the part of both sides?

A. Desire on both sides to carry it into effect.

Returning to Mr. Aylesworth's question, and there is a Latin expression which covers it, although I cannot think of it at the moment, I am afraid I cannot quite agree with his logic. His argument is that the agreements are not enforceable because the entities have no legal status. I am not so sure the courts are not behind the times in refusing to recognize that unions have some status. There has been a dispute going on among jurists for well over half a century as to the whole question of corporate personality. This is one of the problems which is troubling jurists, troubling the courts. In the United States some of the courts have recognized that unions have some status. As I pointed out before, the court in the west, in the case of Chase and Starr, the Supreme Court of Canada was not unduly troubled by the rules of a trade union which were not far different from the rules which prevented Mr. Justice Raney from regarding the collective agreement enforceable in the Polakoff case. So, I do not think it is quite correct to say that the legality, that the unenforceability of the collective agreement rests on the lack of status of the trade union. As to whether or not these agreements should be enforceable, one of the problems is that they do not fall within our ordinary rules of contract.

Some courts, and I think primarily the Privy Council, in dealing with the cases to which I referred earlier, failed to recognize the validity of such contracts because they felt that these agreements did not fall within the rule which they recognized as necessary in the case of ordinary contracts enforceable in the court. These difficulties do not seem to have prevented all the courts in the United States from recognizing collective agreements for a great many purposes.

MR. BREWIN: Q. I understand, Mr. Finkelman, the experience with which you speak is that once the parties come together and adopt the principles of collective bargaining they can practise there is very little of a problem involved in keeping them to that bargain. The good will or good faith will keep them to that bargain. You were making no comment on that at all, although I think Mr. Aylesworth rather intended that you should comment on the problem which exists when the parties are not together at all as to the necessity or otherwise of the legislation which will bring them together. You were not commenting on that question which, as I understand it, is the main question before this Committee. Mr. Aylesworth seemed to me to be mixing up two points,

namely, the question of whether the agreement was enforceable once it was adopted, and the question of whether there was some procedure by which the parties could be brought together so an agreement could be dealt with.

MR. AYLESWORTH: I think perhaps I did not make myself clear. The point which was interesting me and which does very much interest me is, gentlemen, the question of exercising compulsion on one angle only in respect of this matter, in view of the very manifest difficulty both as to status and as to policy—in other words, other jurisdictions which have had great expansion of organized labour have contented themselves with allowing, as I said before, the weight of public influence and the good sense of organized labour and of employers to bring about collective bargaining, and in a situation in which there is doubt as to the legal status of some of the parties and as to the enforceability of the kind of document concluded between the parties they have not seen fit to exercise compulsion in bringing about collective bargaining.

THE WITNESS: I think I get the point now. I missed it at first.

Collective bargaining has two aspects. There is first of all the situation in which the parties have not met in agreement, in which they are at odds and you are asking the employer to meet with a group of his employees, with the representatives of his employees and make a bargain for the first time.

THE CHAIRMAN: When you say "you are asking", what do you mean?

A. Anybody. There is no legislation any place in the British Empire or in the United States of which I am aware at the moment which compels an employer to meet with his employees and conclude an agreement—it is said "We will find out who the representatives of the employees are", and then we say to the employer "Mr. Employer, you meet with these people and bargain in good faith. If you have met with them at the table and bargained in good faith that is as far as we will go." That is the first problem. I think there is the point in which Mr. Aylesworth is interested. As I say, I know of no legislation which says to an employer, "You must concede this point to the employees."

Q. Ninety-five per cent, Mr. Aylesworth says, of the employers are willing and anxious to co-operate on an equal basis with the representatives of the employees and are willing, like human beings, to sit down and draft a legally fair agreement between both sides. Are we just dealing now with the infernal five per cent. who curse all? I mean the selfish, arrogant employer who has not any milk of human kindness in his system. Is that with what we are dealing here?

A. There are very few murderers in the world, yet you have a section of the Criminal Code which deals with the crime of murder.

Q. And there is a penalty attached to it?

A. And there is a penalty attached to it. I cannot speak from personal experience in regard to the second answer, but I can speak of the records. Over a period of about a year or so following the war—now, I will not take my oath on this even though I am under oath. I stand subject to correction. I found in a very short space of time at least forty-three cases in which application had

been made to the Federal Government for boards because employers had refused to sit down and bargain with their employees. As far as the cases are concerned, in the federal sphere alone, I have on my shelves now forty-two volumes each one running, I would say, one thousand pages of decisions by the National Labour Relations Board in cases where employers have been accused of not having been prepared to bargain collectively or to recognize the representatives of their employees. I am not suggesting for one moment that in those forty-two thousand pages of material the employer has been wrong a great many times. I have not read through the forty-two volumes. I do not claim that, but there have been disputes of sufficient magnitude to induce that Board to publish that many volumes of reports. I think that is a serious problem which should be dealt with by legislation. I do not think it is only a case of five per cent, because even if the workers were wrong in a great many of their claims at least they could be satisfied by a body of something like that proving to them that they have no claim.

MR. CARROLL: With the permission of the Chairman I would like to address the Committee.

THE CHAIRMAN: What is your name?

MR. CARROLL: J. J. Carroll, Mr. Chairman. I am not representing anyone, but I am a past president of the Toronto Retail Coal Dealers Association and president of Ward One Liberal Association of Toronto.

The point to which I desire to draw the attention of the Committee is, I did not get here this morning, and therefore I do not know what occurred, and I came in late this afternoon, so I do not know what occurred previous to my arriving here, but it has been drawn to my attention that unorganized labour, those who work for industry or for big business, such as departmental stores—for which I worked fifteen years—most of those fellows dare not come to this Committee and make representations because of fear. They dare not come to this Committee to make representations because of fear. That fear is the fear of discrimination.

I worked for a certain departmental store for fifteen years, and I know if we in that departmental store were to start to organize a union of our own choice it would not be very long before we would see the side door or the pay office in the way out and we would be through. The point I want to raise is, what protection is this Committee empowered to give to the unorganized workers in these departmental stores and chain stores and other industries who might like to appear before this Committee to make representations on the basis that they would like to be able to organize within their own places of employment unions of their own choice so they could collectively bargain with their employers on an equal basis? What protection has that employee against an employer who will discriminate against him in so many ways? That is the question I would like to raise here, to-day, to interject just at this time, because you are dealing with organized labour, which means they do have somebody to represent them. The unorganized have no one to represent them. They are children of the forest. They have no one to speak for them. They dare not try to organize because they feel within their own hearts, and I feel in mine, that they are going to be discriminated against. I worked for one of the largest departmental stores



in this country and if I were to say that we fellow workers were organized collectively it would mean the door. I am saying there are one or two who would like to appear before this august body, this Committee of the Legislature. Are you going to protect them; can you protect them; are you going to give them the power to come here as free men, and as I come here? That is what I am asking in my humble way.

THE CHAIRMAN: I think, Mr. Carroll, you have brought up a very, very important point. We are limited under the resolution of the Legislature to enquiring into and reporting back to the House regarding collective bargaining between employers and employees. We have not any power beyond that.

MR. CARROLL: I quite appreciate that. I have not studied your Bill of power, but I appreciate this point, that before organized labour became organized it was unorganized and in the hearts of free men lay the desire to meet collectively, as we do, in our different associations, to be able to work out something among themselves in their mutual interest. Unorganized labour to-day cannot do that. There are thousands of people in the departmental stores, the chain stores and in industry, unorganized, who dare not, because their jobs are in jeopardy, even in this day when men are getting so scarce, come here. They are afraid to do it. A few years they dared not to say a word. I am asking, in my humble way, what protection would these people get if they came before this august body to give evidence? What protection can you give them? If they are protected maybe the next step would be organization. If they get protection they will want to organize. I know that. They cannot organize if they have fear in their hearts—and they certainly have it to-day even though labour is scarce.

THE CHAIRMAN: We will consider your point, Mr. Carroll.

MR. CARROLL: Thank you, Mr. Chairman.

THE CHAIRMAN: We will make a decision of some kind. We are limited by the terms of the resolution appointing and establishing this Committee.

MR. LASKIN: Mr. Chairman, I was not here at the opening of proceedings this morning. I would like to ask as to whether there was any definition of the Committee's terms of reference.

CHAIRMAN: What do you mean?

MR. LASKIN: You read out the term "collective bargaining." Has there been any attempt to explain the scope of the term?

THE CHAIRMAN: That is into what we are enquiring.

MR. LASKIN: It might have an effect on the representations which could be made here.

THE CHAIRMAN: We are sitting here in order to try to get all the facts available relating to the question of collective bargaining. We are to report back to the Legislature as to whether or not, in our opinion, there should be a

collective bargaining Bill or whether there should not be, or, if there is, what the terms of that collective bargaining Bill should be.

MR. LASKIN: I just want to make myself a little clearer. You are going to leave it, then, to anybody who makes representations to define what he means by "collective bargaining"?

THE CHAIRMAN: What he suggests should be the term, whether or not he is in favour. Some will be in favour and some will be opposed to it. Some will want certain provisions in it and some will want certain provisions left out of it. Is that right, Mr. Furlong?

MR. FURLONG: That is right. The widest possible meaning should be given to it.

THE CHAIRMAN: Are there any further questions?

MR. FURLONG: Gentlemen, I was about to give you this document, but I find it is not in the order I want to present it to you. I will have it completed properly.

THE CHAIRMAN: It is not yet four o'clock. Do any of the members of the Committee, or anyone else, wish to ask the professor any other questions dealing with the law as it stands to-day? If not, Mr. Laskin, I believe, has a brief prepared on behalf of the—

MR. LASKIN: I am not prepared to make any representations at the moment or this week.

MR. SULLIVAN: Q. What, in your opinion, constitutes a company union? I would like, also, to make myself clear before I go into that. In my opinion there are independent unions which are not company unions, which are not affiliated with the C.I.O. or the A.F. of L. I would like the professor to give me what he considers to be the legal phraseology of a company union.

A. That is quite an undertaking, I am afraid, because whatever the Legislature will say is a company union, or what the Legislature would be prepared to say is a company union would be for the purpose of the legislation a company union. I can by reference to other acts answer. Looking at the National Relations Act of the United States, for example, Section 8, which was the source of a good deal of our provincial legislation on this score, I find they deal with that situation not by defining a company union but by defining certain labour practices. There are certain practices in which an employer is forbidden to engage. Section 8 reads:

"Section 8. It shall be an unfair labour practice for an employer—

- (a) To interfere with, restrain, or coerce employees in the exercise of the right guaranteed in section 7."

Section 7 is a declaratory section which says:

"Section 7. Employees shall have the right to self-organization, to form, join, or assist labour organization, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection."

Then Section 8 goes on to define other unfair labour practices.

"Section 8 (2): To discriminate or interfere with the formation or administration of any labour organization or contribute financial or other support to it: Provided, That subject to rules and regulations made and published by the Board pursuant to section 6 (a), an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labour organization: Provided, That nothing in this Act, or in the National Industrial Recovery Act (U.S.C., Supp. 7, Title 15, Sections 701-712, as amended from time to time, or in any code or agreement approved for prescribed thereunder, or in any other statute of the United States, shall preclude an employer from making an agreement with a labour organization (not established, maintained, or assisted by any action defined in this Act as an unfair labour practice) to require as a condition of employment membership therein, if such labour organization is the representative of the employees as provided in section 9 (a), in the appropriate collective bargaining unit covered by such agreement when made.

(4) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act."

I should imagine that a union which came within those prohibitions would be a company union. I am afraid I cannot give you any other explanation of that term.

MR. SULLIVAN: If I could only get on the Legislature in the Province of Ontario I would go and offer up seven masses for the dead trade union in the last five years.

MR. BREWIN: Mr. Chairman, may I ask for the convenience of those here what the times are the Committee proposes to sit?

THE CHAIRMAN: From 11 a.m. until 1 o'clock and from 2 until 4 o'clock p.m.

MR. BREWIN: Three days of the week?

THE CHAIRMAN: We decided this morning to sit on Monday afternoon at 1.30.

MR. BREWIN: Otherwise than that special exception it will be Tuesday, Wednesday and Thursday.

THE CHAIRMAN: Yes. It looks as though we may have to sit on Monday, Tuesday, Wednesday and Thursday.



MR. BREWIN: Do I understand that you are asking those who may be interested to present briefs or statements? I understand the Trade and Labour Congress will present some statement, whether written or otherwise. I understand Mr. Mosher is going to be here to-morrow and other organizations will present statements. Have you any suggestion to make in respect of that?

MR. FURLONG: Yes. We wish you to do that.

THE CHAIRMAN: It is the wish of the Committee, as I understand it, to hear anyone who has any suggestions to make or any information to give relevant to collective bargaining in order that the members of the Committee will have available all information obtainable on the subject.

MR. FURLONG: If Mr. Brewin will contact the office we have established upstairs, room No. 220, we will try and fix a time when it is convenient for statements to be made.

MR. BREWIN: Thank you.

THE CHAIRMAN: Yes. If anyone here, representing any interest, would see Mr. Furlong, he will arrange, as Government Counsel, to set the time in order that there will not be any loss of time to people sitting around waiting or some representatives ahead of them to finish.

We will now adjourn until to-morrow morning at 11 o'clock.

Whereupon, on the direction of the Chairman, the Committee adjourned to meet on Wednesday, March 3rd, 1943, at 11 a.m.

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### THIRD SITTING

Parliament Buildings, Toronto,  
Wednesday, March 3rd, 1943, at 11.00 a.m.

Present: Messrs. Clark (Chairman), Anderson, Gardhouse, Habel, Hagey, Newlands, Oliver, MacKay, and Murray.

Mr. W. H. Furlong, K.C., Counsel to the Select Committee.

Mr. J. Finkelman, Adviser to the Committee.

Mr. J. B. Aylesworth, K.C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.

Mr. D. W. Lang, K.C., Counsel for the Canadian Manufacturers' Association (Ontario Division).

Mr. F. A. Brewin, Counsel for the United Steel Workers of America.

And other representatives of various organizations.

THE CHAIRMAN: I will call the meeting to order.

Mr. Furlong, what is the programme this morning?

MR. FURLONG: Mr. Chairman, I have here about 137 cards from men in aircraft work. I think they should be deposited with the Committee. The first one reads:

"Praise the Lord and pass the Labour Bill."

I think the rest are along the same line.

EXHIBIT NO. 4: Bundle of 137 postcards from aircraft workers.

Then I have a letter from Olive C. Brand, of Hamilton, who requests that the Bill be passed. She does not say whom she represents:

"1225 King St. W., Hamilton, Ont.,  
Feb. 25, 1943.

Premier Gordon D. Conant,  
The Ontario Legislature,  
Queen's Park, Toronto.

Honourable Sir:

This is to protest the failure of the Government to introduce legislation to provide for collective bargaining between employers and employees in this province. As such legislation has been promised again and again, and failed to materialize, one can only conclude that anti-labour, anti-democratic interests have influenced the Cabinet not to introduce the very much needed Bill.

Surely this is not the time to give heed to selfish interests. Canada lags far behind other parts of the British Empire and the U.S.A. in its Labour legislation, and instead of delay, haste should be the watchword. Not only is it a crying need in the name of justice, but its effect on production, without a doubt, would be to hasten and increase it.

We citizens view with alarm the stranglehold of vested interests and big business in this industrial province and feel that we have a right to expect our Government to stand out against such, and to do what is fair and right. It would be a sad anomaly if our boys should fight for freedom and democracy abroad, while, at the same time, an anti-democratic, not to say fascistic, set-up flourished at home.

We sincerely trust that the very near future may see this need met.

Yours sincerely,

(Sgd.) OLIVE C. BRAND."

EXHIBIT No. 5: Letter dated February 25, 1943, from Olive C. Brand to the Honourable Gordon D. Conant, Esquire, Premier of Ontario.

THE CHAIRMAN: I also have a letter from Olive C. Brand, which I shall read. I think these letters should go on the record. I may say to the members of the Committee and to all interested parties that both Mr. Furlong and myself are simply inundated with advice, protests and suggestions, and it is almost impossible for us to answer all the correspondence and telegrams we are receiving; but I want it to be well known that anybody in the Province of Ontario who has any representations to make here in regard to legislation covering collective bargaining is invited to get in touch with Mr. Furlong, who will arrange appointments.

This is simply typical:

"1225 King St. W., Hamilton, Ont.,  
Feb. 25, 1943.

Mr. James Clark,  
Chairman, Select Committee on Collective Bargaining,  
The Ontario Legislature, Queen's Park,  
Toronto, Ont.

Honourable Sir:

This is to protest the failure of the Government to introduce legislation to provide for collective bargaining between employers and employees in this province. As such legislation has been promised again and again, and failed to materialize, one can only conclude that anti-labour, anti-democratic interests have influenced the Cabinet not to introduce the very much needed Bill.

Surely this is not the time to give heed to selfish interests. Canada lags far behind other parts of the British Empire and the U.S.A. in its Labour legislation, and instead of delay, haste should be the watchword. Not only is it a crying need in the name of justice, but its effect on production, without a doubt, would be to hasten and increase it.

We citizens view with alarm the strangle-hold of vested interests and big business in this industrial province and feel that we have a right to expect our Government to stand out against such, and to do what is fair and right. It would be a sad anomaly if our boys should fight for freedom and democracy abroad, while, at the same time, an anti-democratic, not to say fascistic, set-up flourished at home.

We sincerely trust that the very near future may see this need met.

Yours sincerely,

(Sgd.) OLIVE C. BRAND."



EXHIBIT No. 5-A: Letter dated February 25, 1943, from Olive C. Brand to James Clarke, Esquire, Chairman, Select Committee on Collective Bargaining.

THE CHAIRMAN: That is typical. Here is the other side of the picture in a letter from Mr. J. E. Cooke, 6 Neville Park Boulevard, Toronto, Ontario:

"6 Neville Park Blvd.,  
Toronto, Ontario,  
March 1st, 1943.

Mr. James Clarke,  
The Ontario Legislature,  
Queen's Park, Toronto.

Dear Sir:

Our war production depends on good relationships between employers and employees. Good relationships depend on equal relationships. Labour can never meet employers on equal terms until it is strengthened by a law compelling employers to bargain collectively with the union of their employees' choice.

It was heartening to see that several members of the Legislature realized this fact and were becoming interested in the welfare of the working people of Ontario. However, the C.I.O. bogey has been raised again and it is apparent that strenuous attempts are being made to play the A.F.L. unions against the C.I.O. unions. Such action will only lead to increased industrial disputes and the resultant disruption of our war effort will be the responsibility of the present Legislature. To prevent such a calamity I urge you, as chairman, to introduce and support a real labour Bill before the special Committee on collective bargaining and to see that it is introduced before the Legislature with your full backing.

Yours sincerely,

(Sgd.) J. E. Cooke."

EXHIBIT No. 6: Letter dated March 1, 1943, from J. E. Cooke, to James Clarke, Esq., Chairman, Select Committee on Collective Bargaining.

MR. FURLONG: Then I have a letter from the Canadian Brotherhood of Railway Employees and Other Transport Workers, representing some 350 members:

"Canadian Brotherhood of Railway Employees and Other Transport Workers—Affiliated with The Canadian Congress of Labour and The International Transport Workers' Federation.

Forest City Division No. 96,  
750 Colborne Street,  
London, Ont.,  
Feb. 22nd, 1943.

The Honourable Gordon Conant, M.L.A.,  
Premier of Ontario,  
Toronto.

Dear Sir:

I have been instructed by the above named Local composed of some 350 members to forward to you the following resolution:

'Whereas the workers of Ontario were promised collective bargaining by you for some time, and Whereas we believe that such legislation would not only be democratic, but would also be in the best interests of a large majority of the citizens of Ontario, and Whereas the working class have played and will continue to play a most important part in the winning of this present conflict.

'Therefore we wish to go on record as deploring the action of you in deferring this labour legislation, and do urge that you bring the collective bargaining Bill before the present session of the Ontario Legislature at the earliest possible moment.'

Yours truly,

(Sgd.) James Hare,  
Recording Secretary."

EXHIBIT NO. 5: Letter dated February 22, 1943, from James Hare, Recording Secretary, Canadian Brotherhood of Railway Employees, to the Honourable Gordon Conant, Premier of Ontario.

MR. FURLONG: The next is a letter from the Council of the City of Fort William:

"February 25, 1943.

The Hon. G. D. Conant,  
Premier of Ontario,  
Parliament Buildings,  
Toronto, Ontario.

Sir:

I am directed to advise you that at a meeting of the Council of the Corporation of the City of Fort William, at a regular meeting held on the 23rd inst., the following resolution was adopted, a copy of which I was instructed to forward you for consideration:

'That we endorse the recommendation sponsored by the Fort William Trades and Labour Council, and that we urge the Provincial Government to enact at this Session of the Provincial Legislature, Collective Bargaining Legislation that will enable workers to organize into Unions of their own choice, and to negotiate collective agreements with their employers.'

Yours truly,

(Sgd.) A. McNaughton,  
City Clerk."

EXHIBIT No. 8: Letter dated February 25, 1943, from A. McNaughton, City Clerk, City of Fort William, to the Honourable G. D. Conant, Premier of Ontario.

MR. FURLONG: The next is a copy of a resolution passed by the Port Arthur City Council:

"February 24, 1943.

The Hon. G. D. Conant, K.C.,  
Prime Minister,  
Parliament Buildings,  
Toronto, Ontario.

Dear Sir:

The following is a copy of resolution passed by the Port Arthur City Council at a meeting held February 22, 1943:

'That this Council respectfully requests the Provincial Government to enact at this session of the Provincial Legislature the necessary legislation to provide for collective bargaining as between employer and employee and that a copy of this resolution be forwarded to the Premier of Ontario, the Minister of Labour and to Mayor C. W. Cox, M.L.A.'

Yours very truly,  
(Sgd.) W. V. McComber,  
City Clerk and Treasurer."

EXHIBIT No. 9: Letter dated February 24, 1943, from W. V. McComber, City Clerk and Treasurer, City of Port Arthur, to the Hon. G. D. Conant, Prime Minister of Ontario.

MR. FURLONG: The next is a letter from the Presbytery of Niagara:

"Merritton, Feb. 24, 1943.

Premier Gordon D. Conant,  
Parliament Bldgs.,  
Toronto, Ont.

At a meeting of the Niagara Presbytery of the United Church of Canada which met in Welland Ave. United Church, St. Catharines, on Tuesday, February 23, 1943, the following resolution was passed and the Secretary was authorized to forward it to you:



'In keeping with the pronouncement of General Council on the necessity of Collective Bargaining guaranteeing to Labour equal bargaining power, this Niagara Presbytery endorses the demand of Labour for the right to bargain collectively through unions of their own choice, and calls upon the Ontario Government to bring before the Provincial House the Collective Bargaining Bill and adopt same without further delay.'

(Sgd.) A. R. Johnston,  
Secretary."

EXHIBIT NO. 10: Letter dated February 24, 1943, from A. R. Johnston, Secretary, Presbytery of Niagara, to the Honourable Gordon D. Conant, Premier of Ontario.

MR. FURLONG: The next is a letter from the City of Sarnia:

"Sarnia, Ontario,  
February 26, 1943.

Sir:

I beg to advise you that the Municipal Council of the City of Sarnia at a meeting held 22nd inst. adopted the following resolution:

'Whereas the Province of Ontario and Prince Edward Island are the only two remaining provinces in the Dominion of Canada without legislation making the right of collective bargaining legal;

And whereas the Hon. Mr. Heenan, Minister of Labour, introduced this legislation at the present session of Parliament and as many members of the Government are not giving this bill the support that is necessary to pass it;

Therefore be it resolved that this Council petition the Government to pass this legislation giving the workers of the Province of Ontario the legal right of collective bargaining, and that copies of this resolution be forwarded to the Hon. G. D. Conant, Premier of Ontario, and to William Guthrie, Esq., M.L.A., for West Lambton.'

I am, Sir,

Your obedient servant,

(Sgd.) M. D. Stewart,  
City Clerk.

Hon. G. D. Conant,  
Premier of Ontario,  
Parliament Buildings,  
Toronto, Ontario."

EXHIBIT NO. 11: Letter dated February 26, 1943, from M. D. Stewart, City Clerk, City of Sarnia, to the Hon. G. D. Conant, Premier of Ontario.

MR. FURLONG: The next is a letter from the Township of Stamford, Township Hall, Niagara Falls, Ontario:

"February 23, 1943.

Hon. G. Conant,  
Prime Minister,  
Parliament Buildings,  
Toronto, Ontario.

Dear Sir:

At the meeting of the Stamford Township Council last night the following resolution was passed:

'That we endorse a resolution as presented by the Committee to secure labour legislation.'

The resolution is as follows:

'We, the citizens of Niagara Falls area respectfully and vigorously demand that the promises made by the Ontario Government be kept and that a provincial Labour Bill guaranteeing Labour's Rights of Collective Bargaining and Trade Union Organization be introduced and enacted at this Session of the Ontario Legislature.

'We insist that this is absolutely essential so that Labour-Management relations will be improved through the democratic machinery and procedures of such a bill and furthermore we believe that Ontario Labour is entitled to such a bill. We earnestly appeal to the Ontario Government to enact this bill despite the efforts of the anti-war and anti-labour forces to scuttle it, and emphasize our conviction that now is the time for all-out Labour-Management-Government co-operation so that there will be a plentiful supply of the weapons of war to insure Victory for the United Nations in 1943.'

Yours truly,

(Sgd.) Dave Alair,  
Township Clerk."

EXHIBIT NO. 12: Letter dated February 23, 1943, from Dave Alair, Township Clerk, Township of Stamford, to the Hon. G. D. Conant, Premier of Ontario.

MR. FURLONG: This is a letter from a Mr. Fred Treacher, 48 Cornwall Street, Toronto, Ontario:

To Premier Conant,  
Ontario Legislature.

"Toronto, February 28, 1943.

Dear Sir:

I am writing this line to urge upon you to support legislation which would make collective bargaining mandatory between employers and the union freely chosen by a majority of their employees, and which would outlaw company 'unions' (i.e., associations of employees organized, controlled

or influenced by employers as substitutes for genuine worker-controlled unions). This is of vital importance, now, and half measures won't do. From a citizen taxpayer and voter.

I remain,

Yours Sincerely,

(Sgd.) Fred Treacher,  
48 Cornwall Street,  
Toronto, Ont."

EXHIBIT No. 13: Letter dated February 28, 1943, from Fred Treacher to the Hon. Gordon D. Conant, Premier of Ontario.

MR. FURLONG: Then there is a telegram from Ernest Heintz, Secretary-Treasurer, Windsor Labour Council, to Jas. Clark, M.P., Queen's Park, Toronto, Ontario:

"Windsor, Ont., Feb. 23.

Jas. Clark, M.P.,  
Queen's Park,  
Toronto, Ont.

Dear Sir: At a meeting of the Windsor Labour Council held Sunday, February twenty-first, all delegates present, a group representing twenty-eight thousand war workers in the Windsor district vigorously protested the shelving of the proposed collective bargaining Bill and demand that adequate legislation be brought down at this session of the legislature to protect the bargaining rights of labour.

Ernest Heintz, Secretary-Treas.,  
Windsor Labour Council."

EXHIBIT No. 14: C.P. telegram dated Windsor, Ontario, February 23, (1943), from Ernest Heintz, Secretary-Treasurer, Windsor Labour Council, to James Clark, Esq., Chairman, Select Committee on Collective Bargaining.

MR. FURLONG: Now, Mr. Chairman, I have a letter here from Mr. Neil Macdonald, of the International Association of Machinists. He has a delegation who desire to be heard, but they cannot attend before the Committee in the day-time and would like to arrange for an evening meeting. Can you see fit to set aside some time in the evening for them? He says:

"Due to the fact that the majority of our members are engaged in vital war work during the day, we would suggest, if convenient, that any arranged meeting take place in the evening."

THE CHAIRMAN: I have talked to members of the Committee and they all seem agreeable to sit at night to meet the convenience of the parties requesting such sitting. Shall we make it next Monday night, Mr. Furlong?

MR. FURLONG: I thought perhaps you could leave it to me to fix a night that would suit them.



THE CHAIRMAN: Yes, any night other than Friday night.

MR. FURLONG: Yes.

Now, Mr. Chairman, we have arranged for Mr. A. R. Mosher, of the Canadian Congress of Labour, to present his brief here to-day.

MR. HABEL: Before Mr. Mosher is called I would like to ask a question. Yesterday, when Mr. Finkelman addressed us on collective bargaining, he said there were two aspects but he gave us only the first one. I would like to have the second aspect of the matter mentioned, too.

THE CHAIRMAN: May I tell my confrere Mr. Habel that Mr. Finkelman was thrown off stride yesterday. It was expected that Mr. Bengough would take most of the day, and on account of his being unable to get here Mr. Furlong asked Mr. Finkelman to go to bat so that the time would not be wasted. He has not really completed his outline of the legal aspects yet.

MR. FURLONG: We give Mr. Finkelman the week-end in which to prepare his material.

THE CHAIRMAN: Yes.

MR. FINKELMAN: When I was discussing the aspect of collective bargaining with Mr. Habel yesterday, I dealt with what might be compulsory negotiation, that is legislation which might compel an employer to enter into an agreement with his employees. I said I had no knowledge of any legislation—

THE CHAIRMAN: Pardon me. To enter into an agreement or to enter into negotiations with him?

MR. FINKELMAN: To enter into negotiations with him. I said as far as I was aware the legislation I have come across merely says that an employer is compelled to sit down at a table and bargain with his people in good faith, but it does not compel him to enter into an agreement. If there is an honest falling out, the legislation does not compel an agreement, nor does it give any agency the power to write an agreement for them.

Another aspect of collective bargaining is where the parties have already entered into an agreement through their voluntary efforts and then the question arises whether there should be machinery in some way to make that contract enforceable or not. That is a second aspect of collective bargaining, but the two things are separate and distinct and should not be confused. That is all I intended to say on that point yesterday.

THE CHAIRMAN: Anything else?

MR. OLIVER: It was not made clear yesterday as to whether New Zealand and Australia had compulsory collective bargaining legislation.

MR. FINKELMAN: I said I would check the legislation, but I have not had a chance to do so. I will introduce the legislation next week.

Presentation by Mr. A. R. MOSHER, President of the Canadian Congress of Labour, Ottawa.

A. R. MOSHER, sworn. Examined by Mr. FURLONG:

Q. Mr. Mosher, your headquarters are in Ottawa?

A. Yes.

Q. What is the name of the organization you represent?

A. The Canadian Congress of Labour.

Q. What position do you hold with that Congress?

A. President.

Q. Is that organization registered with any department of any government?

A. No.

Q. How long has it been in existence?

A. The Canadian Congress of Labour under that title came into effect in 1939. It followed the All Canadian Congress of Labour which was organized in 1927, and the All Canadian Congress of Labour took over the Canadian Federation of Labour which was organized back in 1903.

Q. How many affiliates have you in Canada?

A. Approximately 15 affiliates, that is national and branches of international unions; we have over 200 chartered local unions in addition to that.

Q. Probably you had better give me the distinction between the two?

A. If there is a national set-up with a headquarters and local branches throughout the country we term that a national union, and that organization becomes affiliated.

Q. Then it has its own locals under it?

A. Yes. Then we have in Canada the branches of international industrial unions. Their headquarters are in the United States, but they have a number of branches throughout Canada. The Canadian branches of these international organizations are also affiliated. Then local groups in various cities and towns throughout the Dominion who are not members of any national or international union form themselves into local unions and they are chartered by the Congress, not affiliated.

Q. So you have here your affiliates and chartered locals?

A. Correct.

Q. Are all your unions industrial?

A. No. There are some craft unions.

Q. How many?

A. I could not tell you exactly without going over the records; most of our organizations are of an industrial character.

Q. Have you a list of your affiliates?

A. Not with me.

Q. Could you prepare that list for the Committee?

A. Yes.

Q. Have you a list of your locals?

A. Yes, we can supply you with both.

Q. And how many members are there in your affiliates and your locals in Canada?

A. Approximately 265,000.

Q. And how many of those are in Ontario?

A. Approximately 125,000.

Q. When you produce that list of your affiliates and your locals and your members will you distinguish the Province of Ontario from the whole of Canada?

A. I shall be very pleased to do so.

Q. Will you have that list also show the parent bodies, and where they are located?

A. Yes.

Q. What control does your organization exercise over your affiliates, if any?

A. We determine to a very large extent in Canada the jurisdiction in which organizations shall operate. Beyond that we exercise no direct control. We have the right, of course, to expel or suspend from the Congress for violations of the principles or constitution of the Congress.

Q. They run their own business?

A. Yes.

Q. Then with regard to your locals, what control do you exercise?



A. Our locals, too, to a very large extent have local autonomy subject to the constitution and by-laws prepared by the Congress for them.

Q. Now, Mr. Mosher, I think that is all I need to ask you for the time being. I would like you to proceed with your brief for the benefit of the Committee.

A. Yes.

Mr. Chairman and gentlemen, I have no brief prepared to read to you this morning. I am going to make some preliminary remarks, and then I shall ask Mr. Conroy, the Secretary-Treasurer of the Congress, to make some remarks.

First of all, may I introduce the delegates who have accompanied me here:

#### INTRODUCTION OF DELEGATES

Mr. P. Conroy, Secretary-Treasurer, Canadian Congress of Labour.

Mr. C. S. Jackson, United Electrical Radio and Machine Workers of America.

Mr. C. S. Lalonde, United Automobile Workers of America, from Windsor.

Mr. William Robertson, Hamilton Labour Council.

Mr. John Mitchell, United Steelworkers of America.

Mr. Sol. Spivak, Amalgamated Clothing Workers of America.

Mr. Alexander Walsh, Oshawa Labour Council.

Mr. Walter Humphrey, National Union of Carpenters, Painters and Bricklayers.

Mr. Joseph Mackenzie, United Rubber Workers of America.

Mr. Joseph Starr, International Union of Fur and Leather Workers of United States and Canada.

Mr. H. Finch, London Labour Council.

Mr. Murray Cotterell, Packing House Workers.

Mr. J. W. Pointon, Owen Sound Labour Council.

Mr. Elroy Robson, Toronto Labour Council.

and myself as President of the Canadian Congress of Labour.

Now, Mr. Chairman, may I at the outset attempt to remove some of the apparent misunderstanding that is being more or less cultured throughout the province and the country with respect to the aims and objects of the organized labour movement in asking for the legislation which your Committee is now considering. There seems to have been a more or less deliberate attempt to show that organized labour was seeking legislation which would hamper or deny the right of working people to join the organization of their choice. In other words, that we were seeking to secure collective bargaining for what some people are pleased to term the C.I.O., or the A.F. of L., and that in such a collective bargaining law we would exclude the right of workers to organize as independent unions. So far as the Canadian Congress of Labour is concerned we have never had any such thought in our minds. We think all workers should have the right to join independent unions if they want to do so, and we think it should be a matter of their own choice without interference by the employer in any shape or form. So that if a group of working people in any industry desire to organize in any form of labour union, whether independent of or affiliated with the Can-

adian Congress of Labour, we think they should have the right to bargain collectively with their employer, and that that right should be to some extent at least a compelling piece of legislation so far as the employer is concerned. In other words, we do not seek to deny to any worker the right to organize in the union of his choice without interference, and with the right to be represented in negotiations with the employer through the persons or organization of his choice.

Secondly, I would like the press and certain sections of the public to appreciate the fact that the so-called C.I.O. is not directing the activities of organized labour or any groups of organized labour in this country. I have noticed in the press on more than one occasion, and I am sure every member of the Committee has noticed, that the C.I.O. gets the credit or the blame, as it may be, for every act of every local group or union throughout the country that happens to kick over the traces and do something which some of the public or the employers do not like. The C.I.O. or the Congress of Industrial Organizations is a federation of industrial unions functioning in the United States of America. It does not function in Canada. It does not direct the activities of its affiliates in Canada. It does not in any way direct or attempt to interfere in any respect with the operations of the Canadian Congress of Labour, in which Congress the Canadian membership of unions affiliated with the C.I.O. in the United States is affiliated. In other words, taking one or two organizations as examples, we have the Amalgamated Clothing Workers organization, who have a representative with us here to-day. The Canadian membership of that organization is affiliated with the Canadian Congress of Labour, and the United States membership is affiliated with the Congress of Industrial Organizations of the United States. And I venture to say that the Amalgamated Clothing Workers, both in the United States and Canada, determines its own policy and controls its own affairs, subject perhaps to certain general principles laid down by the Congress of Industrial Organizations in the United States and subject to the general principles laid down by the Canadian Congress of Labour so far as Canada is concerned. It seems to me that it is very much like condemning the whole Christian church because some wayward preacher got away with the collection box, to condemn the C.I.O. because some local union or some of its affiliated unions has committed some act in connection with a strike or something of the kind, in Canada when, as a matter of fact, the union in Canada is composed of Canadian workers directed by the representatives they have themselves elected. And so, if there is any blame or credit coming to those unions in Canada for their actions or lack of action, I think it can be wholly charged to the Canadian workers themselves and to their representatives. I thought it was necessary to try to clear the air to some extent on those important things, but there seems to be an effort made to call a dog yellow, and then try to make the name stick. I am not making any apologies for the activities of the C.I.O. or the Canadian Congress of Labour. We will take the responsibility for the things we do, and for the principles and policies we advocate, but we would not think of condemning the Manufacturers' Association because some of its manufacturer members refused to deal properly with workers. I think both employers and the press should recognize that the same principles apply in the case of organized labour.

#### COLLECTIVE BARGAINING LEGISLATION FOR ONTARIO

On the question of collective bargaining legislation for Ontario I would say an act of this kind would contribute very materially to the maintenance of in-

dustrial peace. According to the Labour Gazette of May, 1942, pp. 521-528, there were in 1941 a total of 231 strikes or lockouts, involving a loss of 433,014 working days. Disputes involving union recognition account for about 29 per cent of this loss, and were the second most important cause of stoppages.

THE CHAIRMAN: Do you mean that certain manufacturers would not recognize the representatives of duly elected workers in a certain industry?

A. That is right.

Q. On what ground would they refuse?

A. Well, they offer a good many reasons. A good many employers still have the old-fashioned idea, as I would term it, that they own the business, it is their money, they are operating it, and they do not propose to have any labour organization tell them how to run their business. I do not know how they arrived at the assumption that labour organizations want to tell them how to run their business, but I have heard that said on many occasions: "This is my business, and I have run it in the past and I propose to run it in the future in my own way."

MR. HAGEY: What percentage of the 29 per cent are in the Province of Ontario?

A. I have not a break-down of that, but it would be easily obtainable from the Federal Department of Labour, Statistical Branch, where these figures are made up and published.

A preliminary compilation for 1942 indicates that the percentage of time lost because of disputes involving union recognition was almost exactly the same as in 1941, in other words, approximately 30 per cent.

The Labour Gazette's compilation for 1941 shows that about 30 per cent of the time lost in that year was because of disputes involving various other union questions: closed or union shops, anti-union discrimination, etc. A proper collective bargaining Act would do much to reduce the loss from these causes also.

Further, about two-thirds of the applications for Boards of Conciliation under the Industrial Disputes Investigation Act involve the question of union recognition. Proper collective bargaining legislation in Ontario would do much to make the use of this Dominion legislation unnecessary.

With respect to the character of the legislation we would like to see the Ontario Government bring down, we think the Act should explicitly relieve the unions of all disabilities arising out of the Common Law in respect of restraint of trade. Unless this is done, any provision about unions pursuing their activities in a "lawful manner" might be rendered almost or altogether useless. Also, the fact that if a union's activities are in restraint of trade they may therefore be unlawful at Common Law.

Then it is very important that there should be a section outlawing yellow-dog contracts. I presume that members of the Committee know what we



mean by "yellow-dog contracts." They are contracts forced on workers individually by employers, in many cases requiring the worker in normal times to agree not to join a labour organization in order to enable him to retain his employment.

In our opinion the Act should contain the right of workers to form and join unions of their own choice, and the right of workers to bargain collectively with their employers through representatives of their own choosing, including, if they so desire, the duly chosen officers of their union. In other words, we have from time to time found employers of labour who would express a willingness to negotiate with a committee of their own employees without any recognition of the employees' organization, or without the right of having with them a representative of their union. We feel that inasmuch as the employer is not debarred from the right of employing counsel to represent him wherever he is negotiating or doing business, surely the union should have the right of employing counsel, and if that counsel should be an officer of a labour union there should be no objection to his being brought in on the negotiations. Even a criminal has the right to be represented in court, and surely no one is yet going to place our labour unions on as low a level as we place a criminal in court.

THE CHAIRMAN: Q. Do you mean the accused? He is not a criminal until he is convicted?

A. Yes, I should say the accused.

Q. How far would you go, Mr. Mosher? Suppose the legislature passes a bill making it compulsory for employers to meet and negotiate with duly elected representatives of the employees, how far would you go? As we have heard here, so far in most cases the ones who to-day do meet and negotiate with representatives of the employees generally arrive at an amicable gentleman's agreement, as they call it, and things go along very well; but in the case where the legislature says to the employer: "You must meet with the properly elected representatives of the employees" and they cannot reconcile their differences and get down to mutual agreement, how far would you suggest that the legislature step in and appoint the Minister of Labour to draw an agreement between the two parties and make it compulsory for both of them?

A. I do not think we have so far asked for more than the right to compel the employer to sit down with the representatives of the employees, whether it be a union or a committee of individuals, in good faith for the purpose of entering into an agreement.

Q. That would satisfy you?

A. That is as far as I am prepared to go to-day without giving some further consideration to that very important point which you have raised.

Q. You can understand how important it is if we are going to make the recommendation?

A. Yes, probably I should have said at the beginning that in making these oral statements to your Committee I should like to ask the Committee for a

further opportunity of presenting a concrete brief to the Committee in which we will deal with any point that we see needs to be emphasized as this investigation by the Committee proceeds.

THE CHAIRMAN: We are glad to hear that. Please proceed.

WITNESS: The Act should make it compulsory for employers to recognize and bargain collectively with the union representing the majority choice of the employees eligible for membership in such union. I think that is attempted to some extent in the Nova Scotia Trade Union Act.

Then, in our opinion the Act should prohibit such unfair labour practices as interfering with, restraining, or coercing workers in the exercise of their rights to organize, or dominating or interfering with the formation or administration of any labour organization, or contributing financial or other support to it.

As I said at the outset, while we have no objection and no desire to prevent a group of workers from organizing themselves into an independent union, we think it should be independent from the employer; that the employer should not be a contributory factor in determining the kind of union these employees should join, by interference in any way such as by discrimination or financial support, or showing a more friendly attitude towards one kind of organization than another, and so on. I am not so sure that we might go as far as to suggest that the employer should be required to sign a collective agreement once it has been agreed upon. I mean, if a negotiating committee sits in with an employer and he says: "I agree to" so and so, and they arrive at a mutual agreement verbally, then the employer and the representative of the employees should be compelled to sign it, so that there will be a written agreement. We have knowledge of employers who say: "We cannot enter into a collective agreement with your organization or committee, but we can sit down and verbally reach an agreement which the company can post up as a memorandum of what has been agreed upon, not signed by both parties." It is merely a memorandum saying they have agreed to give such wages and conditions to such and such employees. We do not think that is good enough. The legislation should, of course, provide against discriminating among the membership of unions by reason of their activities. We think it also ought to prevent the use of spies and blacklisting and strike-breaking agencies, and all private policing of that kind for the purpose of spying on labour.

We think that contracts with what are really company unions should be out of the window and be void, those are unions which are dominated or controlled by the employer by one means or another.

MR. OLIVER: Q. But there are quite a number of what might be plant or shop committees that are not controlled by the management?

A. I agree with that. I agree that there are independent unions that are not controlled by the employer or interfered with in any way.

THE CHAIRMAN: Q. You have no objection to that?

A. No; so long as it is the free choice of the workers and there is no interference from the employer.

Q. I think the outstanding example I have in mind is when Mr. Blacklock was put in charge of the big smelter at Trail. There had been incessant trouble before he went there, but the first thing he did was to ask the employees to elect representatives with whom he could sit around and discuss the problems of the company, and from that day to this there has been no trouble there. You would not have any objection to that?

A. If it is merely a matter of sitting around and discussing with a group of workers who are not otherwise organized the problems that confront them, perhaps we must concede the right to the employer to do that; but if he is going to ask the employees to organize in any particular form, that should not be permitted.

MR. NEWLANDS: Q. Suppose a vote is taken in a plant with respect, say, to joining the C.I.O. and 55 per cent vote in favour, what happens to the other 45 per cent? Can they set up a union of their own liking, or does the 55 per cent dominate?

A. It seems to me that that is what our democracy provides in other spheres of activity. If you elect a legislature of 100 members and 51 per cent are in one particular party and 49 per cent are in the other, the 51 per cent determine the policies of that legislature or of the Federal Parliament, as the case may be. That is democracy in action, and we cannot see any reason why we should not have democracy in this particular respect as well as in the case of political parties.

THE CHAIRMAN: Q. You could not very well have two different unions in the same industry?

A. Not unless they are departmentalized or crafts. For example, in the railway industry we have a number of unions with contracts and agreements because we have craft unions set up there to some extent, and that state of affairs may be found in other large industries such as the shipbuilding industry; but in each case the union represents a distinct class or craft of workers in the industry, and while we do not think it is the best kind of unionism other people think it is, and again we say the workers have the right to choose for themselves.

MR. HABEL: Q. Suppose the employers asked the employees in an industry to organize, and the employees decide by vote to go on with the company union, would you object to that?

A. I object to there being a company union.

Q. Even if the majority say so?

A. If it is a company union we get into a tangle because of our description of a company union. I say it is only a company union because the company, by reason of its acts or lack of actions favours some particular form of organization in the industry, either by financially assisting a certain organization or group or giving better conditions, or letting it be known that better conditions will be given if they are in some particular group, or by discriminating against those who go into another group, and the company interferes with the absolutely free choice of the workers in determining how they are to be represented.



Q. Suppose a vote is taken on a secret ballot and the employees favour such a union?

A. Even so, I do not think there should be a case of determining whether they shall be in a company union.

Q. There is no more democracy there?

A. Why not?

Q. The majority has spoken.

A. The moment you are suggesting a company union you are suggesting that there has been company interference.

Q. Even so, the employees are satisfied?

A. Do not forget that under normal conditions at least workers are often compelled to be satisfied with a great deal less than they are rightfully entitled to. Working people must seek jobs in order to earn a living, and we have gone through a great period in this country when there were far too many workers for the number of jobs available; and if the employer is able to show by some act or acts that only those who vote for a company union will be permitted to hold a job with him, that is interfering with the rights of the workers. Consequently we say the question of a company union should not come into the picture.

Q. The moment the employees were not satisfied with the way the thing was handled they could always, by secret ballot, decide on another form of union?

A. They might, if it is a secret ballot; it might be possible to have such a ballot.

Q. I would not want to have an open vote on a thing like that. (No response.)

MR. MURRAY: Q. There is such a thing as a company union where the company would organize for the sake of efficiency or to prevent accidents. You would have no objection to that?

A. No; that is not organizing for collective bargaining purposes at all.

Q. Wages would not enter into the picture?

A. No; nor working conditions except as to safety devices or joint production councils. We do not think any of these things work satisfactorily unless by an agreement entered into between the union and the company setting up joint production councils and safety councils. Workers are not at all in favour of paternalism on the part of the employer. They want equality and fairness, and to be consulted through the organization of their choice. I venture to say that many schemes of sympathetic, big-hearted employers such as providing insurance, pensions, recreational clubs of various kinds, are not nearly as highly appreciated

as if the employer had called in the representatives of the workers and had said: "We are quite willing to go along with you if you would like to start some activities of this kind." When labour is taken in as a partner rather than as a slave it has a tremendous influence upon the morale of the workers, and will undoubtedly result, in my opinion, not only in better relationship and less industrial strife, but in very much improved production in times such as we are going through now when we need everything we can possibly produce.

MR. HAGEY: I am interested in the definition of a "company union" and I have a specific case in mind: A plant has a plant council in which they elect by secret ballot once a year one representative from each department, and there are some twenty-two representatives on the council. They elect their own officers. The only point at which it fits your definition of a company union is the fact that when these men attend a meeting of the council they receive the wages they would be earning in the plant at their jobs. Management does not attend these meetings. Then the representatives of that council meet with the management and determine hours, rates of wages, and other matters. Would that be a company union?

A. In my opinion it would depend very largely as to whether the organization which undertook the vote and the election of representatives was a voluntary one or one brought about as the result of the suggestion of the management, and so on. If it was a voluntary movement of the workers to get together and select their own representatives to go in and negotiate on any matter, I would not call it a company union; but if it was a matter of the manager or someone under him imposing a ballot on the employees I would say that was company interference.

Q. But the mere fact that they received wages while attending this council is not objectionable?

A. Not if it is a voluntary organization.

THE CHAIRMAN: Q. You and the Minister have the same definition for a company union, namely, any union in a company not interfered with or dominated in any shape or form by the management?

A. Yes.

Q. If it is not dominated by the management in any way it is not what you call a company union, but a fair union established on a fair basis?

A. Yes. I presume that some of the organizations in our Congress at one time or another, or even now, might by some narrow interpretation be called a company union. Some people get the impression that because a union has friendly relations with the employer and they sit down together as partners, that means the union is dominated by the company. I think it should be one of the aims of organized labour to have that friendly relationship with the employer, so that they can consider themselves on equal terms, and consequently accomplish the only purpose justifying the existence of industry, namely, to supply the goods and services we need.

I think such a piece of legislation as is contemplated should certainly protect the right to strike. I cannot conceive of any labour organization desiring to go on strike, but conditions arise which seem to make it the only method by which the workers can in any degree secure recognition of their rights, and so I think the right to strike should be protected. I think also that a piece of legislation of that character should make provision for an agreement providing that union membership shall be a condition of employment.

MR. MURRAY: Q. You would not care to have a government tribunal? I think the word "government" means government, and they should have a tribunal big enough to prevent strikes

A. The one aim or one of the important aims of labour legislation is to prevent strikes. I think we must learn a lesson from what has happened in the Old Country. While they have no legislation there which compels the employers to bargain collectively, they have a general recognition by the employers of that right, which is something I am sorry to say we do not have in Canada. I would not want to be misunderstood. I am not placing all employers in Canada in the one category. We have a number of very fine employers of labour in this country, men who are broadminded and recognize labour's rights and are willing to deal with organized labour in a proper manner; but on the other hand we do have a large number of employers who cannot recognize that right. They are people of that school who say: "It is our money and we own the industry, and we are going to run it." They do not realize that when they set up the industry they had to get men to invest their lives in that industry or they could not have got anything done. After all, the most important factor in industry is human resources. You cannot turn iron into steel and steel into ships unless you have human labour. No matter how much money you have in the bank you cannot produce a ship without human labour.

THE CHAIRMAN: Q. In your opinion is the percentage of that type of employer very high?

A. Yes, there is a very considerable percentage of such employers. I do believe that gradually that resistance is breaking down, but again if we are to follow history it was broken down in the Old Country by the shedding of blood and many hardships and tribulations. I would hope that we might accomplish the same thing in this country without going through the same procedure.

MR. MACKEY: Q. Your organization proposes a closed shop?

A. I do not say that it should require the employer to enter into a closed shop agreement, but I say it should provide that the entering into a closed shop agreement should not be construed as in restraint of trade or unlawful.

I think those are all the remarks I desire to make at the present time. I think I have hit the highlights of the matter. At some later date we would like to present to your Committee a brief covering any other points we have not touched upon.

THE CHAIRMAN: You have been very fair this morning. The Committee will be very glad to hear you again when you are ready.



MR. OLIVER: Q. What is your thought on the suggestion that unions be incorporated or chartered?

A. We are opposed to the idea of the incorporation of unions. Our impression of a collective bargaining law is a law that would give freedom of action to organized workers. Some people seem to think that the purpose of it is to put more restrictions on organized labour by compelling them to incorporate, compelling them to publish financial statements all over the country, and to do many other things that organized labour are not required to do now. I am not a legal man, and I hope my legal friends will forgive me if I make some mistakes with regard to the matter, but it seems to me that certain financial interests, shall I say industrialists, organize themselves into joint stock companies for the purpose of avoiding personal liability, and some of those people who have done that now want labour organizations to incorporate so that they can get at the membership for personal liability. I cannot see any other reason why they want to incorporate them. The whole purpose of the incorporation of joint stock companies is to remove personal liability from the stockholders.

THE CHAIRMAN: Q. You mean you would not want the funds of the union depleted by a big damage action?

A. Yes, if we are going to be continuously thrown into court by employers and have to spend the rest of our lives fighting the employers in the courts to defend ourselves, the employers can find many ways by which they can bring damage actions against labour organizations, and if the law gave them the right to do so we would find the whole purpose of liberalizing the legislation and bringing organized labour in as a partner would be simply destroyed.

MR. OLIVER: Q. Is the financial standing of your union available to the members of the union?

A. I think most of our organizations do make their financial standing available to the membership. I do not know of a single labour organization that does not publish an annual financial statement available to the membership. I can say that in addition to being president of the Canadian Congress of Labour, I have been president for the last 35 years of the Canadian Brotherhood of Railway Employees and other transport workers, and we publish our financial statements every year and send them out to our local branches all over the country. The Canadian Congress of Labour also publishes its financial statement every year.

Q. That would have the effect of enlightening the membership as to the disposition of the monies paid in?

A. Yes; they know what we receive in fees and dues, and they know how the money is spent and where it is spent, and if they are in any doubt they are bound to find out why it was spent.

Q. But the publication for the membership of a financial statement is not obligatory on the part of the union itself?

A. Our constitution provides that we shall send out the annual financial

statements. Then we hold conventions every three years, and again we bring in and consolidate the financial report of the three years' operations.

MR. AYLESWORTH: I wonder if through you, Mr. Chairman, I might address a couple of enquiries to Mr. Mosher?

THE CHAIRMAN: Yes.

MR. AYLESWORTH: May I say I have found Mr. Mosher's statements to this Committee very interesting, and to me personally very helpful. In my opinion he has very clearly outlined the matters which those he represents have in mind, and it is only with the thought of elucidating some points that interest me and those I represent that I would like to ask Mr. Mosher a question or so.

THE CHAIRMAN: Yes.

MR. AYLESWORTH: The first question, and one that is really troubling me, because after all I am here before this Committee for a group of employers none of whom object to the principle of proper collective bargaining and most of whom are under collective bargaining agreements with various representatives of labour, is that there are, as Mr. Mosher has pointed out, very many different types of labour representation: There is the craft union, the industrial union, and shades in between those. Now, I know that one question which is troubling employers who are legitimately interested in proper collective bargaining is this: the danger, if legislation be introduced, of over-shooting the mark, as it were, unless very great care be taken to safeguard the right of demanding recognition, because if that is not done, in a very large and diverse company with many employees of different types, quite conceivably the employer might be bewildered by 1,000 or 500 different demands for collective agreements from different sections or segments of his employees, which would be not only not constructive but, I would think, utterly destructive to proper collective bargaining. I would like Mr. Mosher to help this Committee as far as he is presently prepared to do so, as to the ideas of those he represents concerning safeguarding that danger.

THE CHAIRMAN: Q. Do you understand Mr. Aylesworth's point?

A. I do not know that I grasped the question, sir.

MR. AYLESWORTH: Q. Perhaps I can put a direct question. Do you not think, Mr. Mosher, that in any legislation which might be brought down, the right of labour to bargain collectively with their employers should be defined in such a way as to prevent the employers from being forced to negotiate with all sorts of undefined sections of employees, which might bring about perhaps a demand for a wholly unworkable number of collective agreements in the same company?

A. Well, I do not know where that fear might arise from, Mr. Chairman, but the tendency or trend of the times for the past quarter of a century, to my knowledge, has been just the opposite from that. As I said, the trend has been to organize groups into industrial federations rather than to organize them into sections or factions or craft unions. I do not know that we need to give very serious thought to the difficulties arising as the result of too many organizations wanting to negotiate too many agreements in one industry.

Q. It is not the craft unions I am concerned with, but if a loose definition should creep into such legislation, conceivably a group of three or four would say: "We constitute a bargaining unit"?

A. I see what you mean now. For example, there might be 100 boilermakers in some industry, and your fear is that the 100 boilermakers might divide themselves in 25 bargaining agencies. I say that certainly should be taken care of, and I imagine it would be. The majority of the boilermakers in that particular industry would determine who the bargaining agency would be. Earlier I was asked if 55 per cent of the employees were for a union and 45 per cent were against, what would happen to the 45 per cent? I say, let them play the game. If the property-owners of the city of Toronto through their city council decide on the amount of taxes each must pay on a certain basis, the taxpayers who do not pay their taxes will have to lose their property and get out. Similarly those workers in an industry who will not accept the democratic principle for collective bargaining purposes and will not play the game must take a back seat.

THE CHAIRMAN: Mr. Aylesworth raised a very important point and a new one as far as I am concerned, and probably as far as other members of the Committee are concerned, because until now I had supposed that if a vote was taken in a certain industry as to who their representatives would be with respect to collective bargaining, there would be just one union.

MR. AYLESWORTH: No, not necessarily.

THE CHAIRMAN: That is a new angle.

WITNESS: In my opinion there could be only one union representing one class of workers. You may have to categorize the workers in a certain industry, and in others not.

THE CHAIRMAN: Perhaps Mr. Mosher and Mr. Aylesworth could agree on a definition some day and hand it over to the Committee.

MR. MURRAY: Q. For instance, in the lumber business road-cutters would form into one organization, teamsters into another, loaders into another, cooks into another, etc., and all would demand a separate agreement?

A. I would like to say if they cannot find any greater opposition to the Bill than the necessity for a very clear definition of that kind, as far as the Canadian Congress of Labour is concerned we shall be quite willing to vote for one organization.

MR. AYLESWORTH: What I have addressed to this Committee is not to be taken as opposing a Bill of any kind. I am not here to oppose anything except anything that in my opinion is not constructive, and so neither myself nor those I represent are before this Committee in an endeavour to stifle collective bargaining if that be considered by the Committee as the constructive method. We are here to help, and it is in that spirit only that I am asking these questions, because actually I have had many employers who are genuinely in favour of proper collective bargaining say to me: "Is there not a danger of going too far, so that the very purpose of true collective bargaining will be defeated unless the



legislation is watched very carefully on this question?" when the words "section of the employees" has been used in the Press or elsewhere. I do not think any employer who is willing to bargain collectively objects to a properly defined group bargaining collectively with him, but I think he would object to an ill-defined group or a section, as it were, that was not properly defined and classified attempting to bargain.

WITNESS: I hope my remarks indicated my meaning. So far as my Congress is concerned, we would have no trouble in that regard.

MR. HABEL: Q. You gave us quite clear information as to the C.I.O. activities in this country, and you said there is no difference between the United States and the Canadian C.I.O. Do you remember if Martin at Oshawa was a Canadian?

A. No. Even though Martin may not have been a Canadian, and I am only speaking from memory and speaking from the general trend which would apply in this specific case, my recollection of Martin is that he was president of the Automobile Workers, an autonomous body affiliated with the C.I.O. of the United States. At that time we had no Canadian Congress of Labour.

Q. That was in 1937?

A. We had the All Canadian Congress of Labour at that time, composed of distinctively national and local groups. We had no members in there who were members of international unions, but as my recollection goes back to the automobile difficulty in Oshawa, Martin was the president of an independent international union, I mean independent in so far as determining as to its own policy and the administration of its own affairs is concerned, and I cannot conceive for a single moment of any officer of the C.I.O. or any executive board of the C.I.O. telling Martin and the automobile workers how they should conduct their affairs in Oshawa.

Q. What would you think of Mr. Robinson who came to Kirkland Lake last year?

A. He came to Kirkland Lake as president of the Mine, Mill and Smelter organization; he did not come there representing the C.I.O., although he is an officer in the C.I.O. just as I am. But when I start negotiating with railway companies for wages and working conditions and determining what our policy will be in dealing with railway management, the Canadian Congress of Labour does not tell me how to act; I act as Mosher, President of the Canadian Brotherhood of Railway Employees and other Transport Workers.

Q. Was Mr. Robinson a Canadian?

A. No; I believe he was not a Canadian. May I say to you that if you want to carry that a little farther, when the Dominion Government found itself in difficulty or thought it found itself in difficulty in connection with the miners in Nova Scotia they were glad to wire to John L. Lewis to come to try to clear up the difficulty. Also the Minister of Labour was very quick to telegraph Mr. Phillip Murray to try to bring about a settlement of difficulties in Sydney,

Trenton and Sault Ste. Marie. So it seems that they are fine when they come over to help us to settle industrial disputes, but they are not so fine if they come over here to look after their own business.

Q. It is mostly a question of getting the proper information for the Committee, in order to learn whether the C.I.O. in Canada is concerned only with conducting their own business?

A. I would say, without successful contradiction from anyone, that since the organization of the Canadian Congress of Labour the C.I.O. has not interfered in any troubles or any other matter in Canada, and I challenge anybody to prove otherwise.

MR. OLIVER: Q. In view of the present affiliation of your organization or the relationship of your organization with the C.I.O. in the United States, is it within the realm of possibility that C.I.O. officials in the United States could call out Canadian workers in a sympathy strike with workers on strike in the United States?

A. I would say it was beyond all possibility.

Q. I want to hear you on that?

A. Speaking for myself as president of the Canadian Brotherhood of Railway Employees, if the Canadian Congress of Labour was to tell me, in the case of a sympathy strike or any other strike, "You must call your members out," I would tell them to go to a place where they would fry.

Q. I do not want you to construe the questions coming from this Committee as representing views we might hold?

A. I think all that has been said in recent years about C.I.O. activity in Canada is absolute rot and nonsense.

Q. Just one further question: Do the dues that are collected from Canadian workers stay in Canada completely?

A. In practically all cases that I know of they do; in some cases they are in Canadian bank accounts drawn on only by their international officers located in the United States. In other cases the Canadian officers have complete control of them. I do not know the internal banking arrangements of each organization, but all I know of, and I know most of them, keep their funds in Canada and buy lots of Victory bonds.

MR. HAGEY: Q. I suppose on the other side of the picture there is American capital here?

A. Sure, lots of it; and I do not think we will find anyone trying to keep it out.

MR. FURLONG: Q. Mr. Mosher, to sum up, you do not ask for compulsory agreements?

A. I have not asked for compulsory agreements so far.

Q. You ask for compulsory negotiation?

A. Yes.

Q. And if as a result of that negotiation an agreement is arrived at, then you want it in writing and signed?

A. Yes.

Q. And then only will it be compulsory?

A. Correct.

THE CHAIRMAN: And enforceable.

MR. FURLONG: I am coming to that.

Q. I do not think you want that agreement enforceable in a court?

A. No; I think it should be enforceable by its own provisions and arbitration.

Q. And if I have gathered rightly what you mean, it is that if the men still desire to go on strike they have that right?

A. Not if there is an agreement in effect. After all, if there is an agreement in effect and anything under that agreement can be interpreted on an arbitration or other means, I do not think they should have the right to strike during the lifetime of that agreement.

Q. As long as the agreement is alive and there is a clause providing a method of solving their difficulties, either by arbitration or otherwise, then you say that method should be followed and no strike should take place?

A. That is right; and of course there should be a termination clause in every agreement.

Q. Now, you mentioned something about where there was a union nobody should be hired without a union card?

A. No. I said there should not be any law which would restrict the right of having a closed shop or union shop in an agreement.

Q. That is, if the parties through their negotiations consummated an agreement providing for a closed shop, there should be no law opposing that?

A. Yes.

THE CHAIRMAN: Q. And I suppose that extends to the check-off, too?

A. Yes.



MR. FURLONG: Q. There are a number of agreements like that?

A. Yes.

Q. With regard to a so-called company union, is it not really the financial aid that a company lends that union that determines whether it is a company union or not?

A. Financial aid can be given in more ways than one. They might show a willingness to pay a man higher wages if he is a member of a particular organization. I had an instance brought to my attention a week ago where a certain employer said: "If you will get out of that organization and into another one we will go after a 5 cents per hour increase for you, and another classification." That is interfering with his choice of organization.

Q. That is paying him to get out of one organization and into another?

A. Yes.

Q. And it might be intimidation?

A. Yes, giving him softer jobs around the plant, or more rapid promotion.

THE CHAIRMAN: Q. That is more like bribery than intimidation?

A. There is a method of bribing employees. I do not think employers should discuss with the employees where they shall go.

MR. FURLONG: Q. You want a union which is the free choice of the workers without interference by the employers?

A. Yes.

Q. And you do not want to go any farther than that?

A. No.

Q. I take it from the method you have adopted for drawing the agreement and arriving at the bargaining agent that you do not want any government agency making an agreement for you?

A. No. We might use their good offices in helping us to reach an agreement.

Q. You might accept their advice once in a while, but you would prefer to deal around the table with representatives of the employers on a basis of negotiation?

A. Yes.

Q. And to rely on those negotiations to arrive at an agreement?

A. Yes.

Q. And if you cannot arrive at an agreement on that basis, what happens?

A. Probably you get back to where you were before with regard to the right of the workers to strike and see if they can force the employer into an agreement; but you will have removed one of the main causes of disputes, namely, his refusal to sit down with representatives of labour.

Q. All labour asks for is something to force an employer to negotiate with them or talk to them?

A. Yes, and the other things we have discussed such as discrimination, and so on.

Q. Are you able to enlighten the Committee with regard to those to whom such legislation should apply? I mean are there any exceptions? Some of the Acts except certain types of people?

A. I do not know that there should be any particular exceptions. I do not know why even government employees should be excepted from organizing and bargaining through the organization of their choice.

Q. I notice that in British Columbia it is defined as "a person employing one or more persons," and in Manitoba "a person employing ten or more persons," and Alberta includes school boards, and so on. You think it should apply to all?

A. Yes.

Q. Depending upon the choice of those who apply for the union?

A. Yes, that is right.

Q. Coming to the point as to how the bargaining agent should be determined, is it your idea that a vote should be taken by secret ballot, and that that secret ballot should determine the bargaining agent by a majority vote, and that those who are in the minority have to get in and belong to the organization?

A. No, not necessarily. You have gone a step beyond the first step. Recognizing the union as the bargaining agency does not necessarily force the minority into the organization; that only comes about when the bargaining agency negotiates a contract. The first step does not force them to do anything except accept the conditions on which they are to negotiate.

Q. Then only could the balance belong to the union, if by negotiation it is agreed to?

A. Or of their own choice.

Q. I do not need to deal with check-off, because that is another matter, according to you, for agreement, not compulsory?

A. Yes.

Q. And you are opposed to incorporation for the reasons stated, and with which I think the Committee is familiar. Now, have you any objection to control by way of a law requiring a union to register?

A. Well, of course, registration implies a good many things; it is equivalent, perhaps, to incorporation. If it is to have anything of that effect in it, we would be opposed to it, anything that would lead to placing greater liabilities upon the workers.

Q. If you were protected, as you are in England?

A. Well, I am not so sure of the protection even in England, in that respect

Q. You would be opposed to registering?

A. Yes

Q. To file an annual return?

A. Yes.

Q. To filing lists of officers?

A. I have no objection to filing lists of officers.

Q. To give to your members a financial statement once a year?

A. I am not opposed to that; we are not opposed to supplying to our membership any information as to how their finances are used.

Q. Why would you be opposed to registering if you were relieved from the obligations that it might bring about?

A. If we were relieved of all the obligations there would be no objection, if it does not impose other liabilities.

Q. If you are relieved from the restraint of trade part of the law?

A. Yes.

Q. That is what has been done in Nova Scotia?

A. There may be other disabilities, too, as the result of registration unless it was very thoroughly safeguarded. I am not a lawyer, and cannot deal very well with legal technicalities, and for that reason I am opposed to anything going in the Bill that is not spelled out very clearly.

Q. Would you be opposed to filing your constitution, rules and by-laws?

A. No; I would not be opposed to filing our constitution, rules and by-laws with the Board or with the administrative body set up to administer the law.

MR. AYLESWORTH: Q. Would you be opposed to annual elections?



A. Yes, I would be opposed to that going into any law. I think the organized workers should not be told when to conduct their elections.

THE CHAIRMAN: Q. You want to be just like the politicians?

A. You fellows can pass resolutions extending the life of Parliament, so why cannot we?

MR. FURLONG: Q. Would you be opposed to restrictions forcing you to retain in this country all funds and securities obtained in the country?

A. Certainly I would oppose that. The Brotherhood of Railway Employees is affiliated with transport workers all over the world, and we have to send our per capita tax to that federation. I would be opposed to anything that would prohibit us from doing so.

Q. Do you know the relationship between what you pay out of the country and what comes in?

A. No; I have no figures on that. There have been a lot of wild guesses made, but I have no figures. I think there are very few dollars going out of the country, and under present-day conditions probably more are coming in.

MR. FURLONG: I think I have a very fair idea of what Mr. Mosher wants, Mr. Chairman.

THE CHAIRMAN: Have any members of the Committee any further questions to ask?

Q. I was wondering, Mr. Mosher, about this: The Ontario Legislature has been blamed rather violently for not having some collective bargaining legislation, as have all the other provinces. Do you know any of these other provincial Acts which you have studied that would be suitable?

A. No; I do not think any of the other Acts are comprehensive enough.

Q. None of them are broad enough?

A. I do not think so. I think that Ontario, being the biggest industrial province in Canada, should step out and show the rest of the world what it can do in the way of enacting a good collective bargaining Act.

Q. And you are going to give us your views on that when you later speak to it?

A. I will do my best. And I hope your Committee and the Government, in finalizing any Act, will call organized labour into secret session and go over the Act before it is presented. It may be asking a lot, but it seems to me we ought to have a chance of going into it, at least. I think the greatest disaster that could happen to this province and to the Dominion would be if they bring down an Act unsatisfactory to labour. It will only bedevil the situation.

Q. Very often legislation is passed to aid certain classes, and it turns out to be more harmful than beneficial, and you know that no legislation along these lines is ever passed that has not to be amended as situations develop?

A. Quite so.

THE CHAIRMAN: I think, Mr. Mosher, if everybody is as fair to the Committee as you have been this morning we might be able to do something that will help.

MR. FURLONG: Q. Mr. Mosher, you wish to introduce Mr. Conroy?

A. Yes.

MR. FURLONG: Mr. Chairman, it is now ten minutes to one. Perhaps we had better adjourn until two o'clock and then call Mr. Conroy.

MR. CHAIRMAN: Yes.

MR. HABEL: I would like to correct an impression about the statement I made about company unions. I would not want any gentleman to go out of the room with the idea that I would favour what the Minister yesterday called the "yellow-dog unions," because I know of instances close to my riding where a company had really taken advantage of the workers, and they were really "yellow-dog unions." I am satisfied that there should be a way to take care of those unions where the employees really by their vote, taken by secret ballot, would be satisfied to go into an organization like that. Of course, that does not mean I am favouring company unions at all.

Witness withdrew.

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## AFTERNOON SESSION

Wednesday, March 3, 1943

On resuming at 2 p.m.

MR. FURLONG: I want to ask Mr. Mosher just two questions.

A. R. MOSHER, recalled. By MR. FURLONG:

Q. Mr. Mosher, how many affiliates and locals did you speak for this morning?

A. All of our affiliates and locals represented through our executive council.

Q. Where we have an application from another of your affiliates or locals to be heard, in order to cut this proceeding as short as possible, yet I do not want to recommend to the Committee that we should overlook anything, but in order that there should not be repetition, can I say to any of these locals who now ask to be heard that you have spoken for them?

A. I would not like to say that, sir, because some locals may have something to add even to what we have said. We cannot deprive them of the right of also seeking an opportunity to come before your Committee.

Q. I just wanted to find out what you thought about that?

A. I would not like to suggest to the Committee they should deny them, but it might be pointed out that the Canadian Congress of Labour had first made representations on their behalf, and unless they have something of a new character—

Q. Something to add?

A. Yes.

Q. There is one other point in regard to the number of employees: those concerns that have a small number of employees—do you think this law should apply to a concern that only has say two employees?

A. Well, I don't think they should be denied. There is really nothing here in the Bill that we would suggest, anyway, that could do any harm to anyone. To give two, or even one employee a right to join an organization of their choice and to bargain collectively—I cannot see any reason why they should be excluded from the legislation.

Q. As I understand it, the development of unions came really after the spinning wheel was invented in England?

A. Correct.

Q. Before that time the industry was carried on in a man's house, where he either did it himself or had some friend or neighbour come in to help him to work. After the spinning wheel was invented we had our factories, and large numbers of men were brought together under one roof. From there on we had the development of unions by reason of large numbers of employees in one concern.

A. That is right.

Q. From that, coming down to our present age, we have the assembly line and mass production, such as Ford Motor of Detroit, Ford Motor in Windsor, probably the leading examples of it. I am not suggesting this, but I am merely asking you so the Committee will have some idea what the representative of an organization like yours would desire—do you not think there should be some limit, so that in cases where there were say ten or fifteen, no more than that, the Act should not apply?

A. I have in mind, sir, certain industries—I will give you one as an illustration—where I think it would be unfair to both the employer and employees if you put a limitation of five or ten on it. Take, for example, the highway transport industry. In the highway transport industry you have a number of concerns employing anywhere from ten to perhaps several hundred drivers, warehouse men, etc., and they are in competition with other highway transport con-



cerns who perhaps only employ one or two people. To impose conditions upon the employer because he employs ten men, and to relieve the one who only employs two, might be unfair to that employer.

Q. Perhaps we could put an exception in that concerns of the same class be not excepted.

A. If it is overcome in that way, that might meet the purpose. I am not anticipating that the Ontario Legislature will be able to pass a Bill which is going to be perfect in every detail to take care of every individual worker in the Province, and some little limitation perhaps, if adequately overcome in some way, is all right. I am concerned where you have a number of large employers and a number of small ones in competition. It may work out to the disadvantage of the big employer if he has to toe the mark on one line of action and the other fellow can go scot free simply because he has fewer employees. Take the fur industry, and clothing industry, to some extent it is the same situation—the building trades, the same thing.

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PATRICK CONROY, sworn (Canadian Congress of Labour). By MR. FURLONG:

Q. Now, Mr. Conroy, will you proceed with any statement you desire to make?

A. Yes. This morning I was quite interested in listening to some of the letters you read out, Mr. Furlong, in which, while no direct command was made on the Committee, at least an inference of some such thing was made, demanding the Committee do this, and the Government do that, and so forth and so on. While you had some letters this morning demanding that the Committee and the Government pass this law, you have some sections of the Press almost daring the Committee to pass it.

I should like to say we are not coming here with that object in mind at all, neither demanding one thing nor daring the Committee to do the other. We think it would be both bad manners and bad judgment.

We are here, of course, primarily because of the expressed desire of the Government of Ontario to pass a collective bargaining law that will be suitable to all concerned. I should like here and now to state our appreciation for the privilege of presenting our views.

It seems to me there are two things involved in the passage of this proposed law which will stand up under anyone's examination. One is whether the passage of the law is right or wrong; the other is whether it will be a constructive piece of legislation for the welfare of all the people, not particularly the workers of the Province.

Now, the term "democracy" I think has been given a lot of kicking around, a lot of abuse, yet we might confine ourselves in asking that the legislation be passed to saying that it is a right the workers are entitled to, that they should have that right from perhaps half a dozen varying viewpoints, and let it go at

that. I do not think, representing a labour organization which, if it is not responsible, certainly claims to be responsible, we should confine ourselves to requesting the Committee of the Government to pass this law merely because it is right. True, we hold it is right and the workers are entitled to this law, but there are many things that are right in principle, in morality, that in effect might be very wrong and harmful to the welfare of the Province. So we must couple the rightness of the desire to have the legislation passed with the effect of the legislation in practice. Will it be a good piece of work, a good stroke of business, not only by the Government, but for the people of the Province as a whole? I think these introductions are necessary.

There are certain sections of the Press, possibly not all of them, that have tried to attach a political aspect to this proposed piece of legislation. There may be good grounds for that, I do not know. I can only give the assurance that I am not attached to any political organization of any kind, good, bad or indifferent—right, left or centre. Our Congress is a non-political body in every sense of the word. We have never sought affiliation with any political organization, and so far as our intentions go at the moment, we do not intend to do. Again, I mention that because I think it is necessary.

We are here in the interests of an organization of working men, believing that the legislation as desired and as promised by the Government is both right and will be of constructive advantage to the welfare of all the people. The passage of this much desired piece of legislation will not do one thing that seems to be in the minds of many, who, if they do not directly say so, infer at least that this legislation will be a cure-all and an end-all towards the objective of improved labour relations. Frankly, I do not think it will. I think any man who comes before this Committee and states that the passage of even the most beneficial piece of collective bargaining legislation, even going beyond what the average organization would wish or ask for, and state it is going to bring Utopia in labour relations, has not much knowledge of human beings. What I think it will do is this: it will, as far as this Committee or this Province is concerned, within the limits of human beings' intentions, minimize the abuses now existing in our industrial structure, reduce them to a minimum, whereas at the present time by the record, which speaks for itself, and to which Mr. Mosher referred this morning, and by everyday reference and knowledge, of which most of us have some degree of information, instead of a minimum, at the present time we have a maximum. A maximum because of a certain condition—that there is no over-riding or governing authority to say what men as employers shall or shall not do. Lacking a collective bargaining law, as we now call it, we have no mechanics of any kind by which we can eliminate these abuses.

THE CHAIRMAN: What abuses do you mean?

WITNESS: The abuses of employers on the one side, or employees on the other—by employers saying they will not do this or that in so far as recognizing a union is concerned, by adopting intimidating attitudes, by setting up company unions, any one of half a dozen things. Employees on the other side resorting to abuses of what has been morally regarded as their rights, referring to employers as such and such, and so and so. What I think this legislation will do—it will help both employer and employee to become sensible in the matter of labour relations, a thing which, up to now, there is not a great deal of evidence

of, so far as I can see. I say that with all due respect to the sections of employers and sections of labour who are responsible—it is true, the minority in each. Whether there is a majority or minority of the responsibility on employees is a matter of opinion, but I think the setting up of this legislation will tend to eliminate it.

As to what might be included in this proposed law, might I, sir, for your convenience and for that of the gentlemen on the Committee, try to follow this in sequence? We say, first of all, that workers have a right to organize—a right to organize in an organization of their own choice, and the right subsequently to sit across the table from their employer and negotiate on an equal basis. Up until now that right has not been generally accorded. Many employers take the attitude, “well, we have built up this industry, we have put so much money into it,” they have run their industry on some such basis for some years, and it has amounted to a tradition with them that they must have an unchallenged voice in that industry as to how its physical operations should be conducted. Their relations with their employees have always been conducted from the top down, again unchallenged, and I suppose they would be less than human if they did not think that should continue.

We say that is wrong. We say it is wrong not only because the employer by virtue of human frailty or weakness takes that attitude, but because the morality of the question is wrong. We think from a business aspect it is wrong as well, and the business aspect is important. True, under what we call our competitive system, or capitalism, as we call it, a man invests his money in an enterprise, and he is morally and legally entitled to a fair return on the investment. There is no question of that. As to what is a fair return, is a matter of opinion, of course. On the other hand we say just as definitely as we accord that right to industry, that he has not sole arbitrary rights in industry, to run the industry as such. True, he invests his money and is entitled to a fair return on that investment, but he cannot operate that industry because he merely invests money therein. His monetary investment is merely a token of the capital value of the industry itself—that is, presuming there is no water in the investment. Without the application of human labour, or the application of machinery operated by human labour, his monetary investment means very little—the industry just will not function. It, consequently, requires the application of human labour, or machinery operated by such labour, to complete the cycle of the investment and the industry itself—in other words, human beings that we all ordinarily call workmen—and make to the man who invested his money in the industry a fair proposition. So what we have there in short is an industry without value unless human hands are employed, and those human hands we call workers. Whether it is the major portion of the investment in the industry or only an equal part is unimportant, it is certainly an essential one. I think with some degree of truth it is an equal investment. Capital invests its money; working men invest their labour. In a sense one is indispensable to the other. Being indispensable they are certainly essential to each other. Being essential to each other, they should automatically be equal partners. The same degree of equity should exist between one and the other. If that is so, the successful operation of that industry on a basis of equal partnership can only be effectively operated where mutual confidence exists. And confidence, I think, cannot be determined on a basis of superiority on the one hand and inferiority on the other: If confidence is to be reposed on a mutual basis,



it must be reposed between two things of equal status, or two persons having an equal investment in the industry. Of course, with your superiority on the one hand and inferiority on the other you have, it seems to me, nothing but contempt from the top and fear from the bottom, and with such contempt in industry I do not think you have a basis for a healthy industry.

So we say to Capital, and to the Government: in effect labour has at least a fifty per cent investment in industry. As such it is entitled to an equal voice in the determination of a fair return on its investment, just on the self-same basis as a man who invests his money is entitled to a fair return.

We next come to the point as to how that can be determined. Can a man who has a fifty per cent investment in industry be guaranteed that return unless he is recognized as an equal? Can he even begin to assure himself of that return if he is treated as an inferior by his employer? We frankly do not think he can. We think that man must be recognized as a definite entity in the industry itself on a basis of equity, to be able to sit down on one side of the table as John Jones, representing the employees, look his boss squarely in the eye, John Jones the employer, and say, "We are two equal investors in this industry. You want a fair return for your investment, so do we. If that is so, let us get down to cases as equal partners in this industry." Now, it might be said that 101 individual isolated "John Jones" in any given plant or factory could do that, but history and the record is against it. True, there are notable exceptions, but the exceptions only prove the rule, but that economic power in the hands of the employer leaves the workman literally at the mercy of the employer as an individual. The evidence submitted by the employers themselves proves that the employer assures to himself the right to belong to an association, either on a local, provincial or national basis, and in some instances where corporations have run into an international character, he has also an international association as well. He joins a particular association of his industry for protection. His own fellows in that particular industry have problems similar to or varying from his. He is living in a competitive world. He cannot fight that world by himself as an individual employer; he must associate with his fellow employers to assure himself protection, not only to the industry but to himself as a part of it. He does that, as I have said before, on a local, provincial or national basis.

If that holds good for the employer as one investor in a given industry, then it, surely, must hold good for the other investors who sell their labour power to the employer. In short, by the morality, the standards and the yardstick set up by the employer himself, he dictates the basis of required association by the workmen who need organization to protect their own interests in a given industry in which they are employed.

So much for the right of joining a union. Once he has joined a union, say it is included in the proposed legislation, the employer may say yes or no, whatever the case may be. If it is included in the law that John Jones, the employee, has a right to join the union, an intelligent employer will come along and say, "I do not challenge your right to do so. I have the right to join my own organization and you should have the same right as I have." So he sits down and proposes to negotiate a contract. With the history of Canada as we know it in the last several years the expectation is that the employer will say no. True, we have the exceptions who will say yes, but again, "Yes" is only the

exception that proves the rule, and the expectation is that the employer will say no. We say that employer when he says no shall recognize that the man who invests his labour in industry will have the right to do as he has done himself, join an association.

There have been words attached to this proposed legislation which say that employers shall be compelled to do this, and compelled to do that, that the proposed legislation is compulsory, mandatory and so forth and so on. I am personally of the opinion that the usage of the words "mandatory," "compulsory" and "compelling" are bad words. They are bad words in this sense, that in the final analysis, whether it is a man employed at a lathe or in a mine or on a farm, he is contributing to the wealth of the country. That is his contribution to the country's welfare. As such he is the country's chief investor. There should be no reason in my estimation under God's blue heaven why that man who produces the wealth of the country should be put in the innocuous position in which, to even express his own elementary right and desire which represent his investment in the country's production and in the country's welfare, he should have to go to any government or to any committee and say that John Jones, an employer, should or must or shall be compelled to recognize the elementary and intrinsic rights of a man whose contribution to the country is completely essential.

I think, Mr. Chairman and members of the Committee, what labour is asking for to-day in this province is not to compel employers or employers' associations to do business with the other half of industry's investment, the working man, but what we are asking this Government to do to-day in this proposed legislation is to cinch, to assure and solidify the chartered right of the man who invests his labour in industry and to see that right is protected. That is the positive feature of it. To compel an employer to recognize those rights is at least, in my estimation—it is not directly declaring so, but in substance—inferring that employers are not prepared to extend to men, whose investment is necessary in the industry of the country, the elementary rights they are supposed to enjoy under political democracy.

I think, sir, it is unnecessary to refer to the causes for which this war has been fought. We are all equally aware of them. We all have our fathers or brothers or someone in uniform overseas, every one of us, fighting for a certain right. That right we call "democracy" to extend the freedom of the individual to those overseas whose freedom has been stamped out by what they call the juggernaut of nazism and fascism. We seem to be in a peculiar position in this part of the twentieth century. Every one of us is declared to give our all for a given purpose, a given objective to stamp out that which is being imposed on the people of Europe. We are the people who are supposed to do the stamping out, but here we are to-day discussing whether we shall or shall not have the freedom ourselves which we are supposed to hand on to other people in conquered Europe. I suggest in all humility there is something wrong. I suggest you are fulfilling a worthwhile function here in trying to eradicate that state of affairs. In the event an employer says "No" we believe there should be a properly constituted medium for him to recognize what is right. Since we propose to institutionalize collective bargaining, we must have some mechanism for that institution. I think the only basis is democratic procedure, a secret ballot to determine whether the workers voluntarily wish to join the union of their choice.

I know of no other method. It may be said, and in substance said partly correctly—perhaps it may be in the minds of the members of the Committee—say you only get 51% of a majority, is that a satisfactory majority? For my own part, having in mind all the facts of the situation, I would say that an organization which wants to do a good job and which does not want to revert to questionable practice should try and assure itself of more than a 51% majority in order to do a good job and have the confidence of the members it represents. But, aside from that, I know of no other basis by which you can go beyond 51% as a majority to determine such a majority. All we can go on is the election basis of the country in which we live. We do know that under our election procedure, wise or unwise, in given cases legislatures are elected not by a majority but even by a minority of votes cast. That, I think, has led, in the process of elimination, towards a better election system. We cannot attack it because in our own wisdom we have not so far thought of a better way. However, we recognize in principle, every one of us, that the majority shall rule. If that holds good for government, if 51% of the electorate of the country chooses a government, no matter what cast or colour, or persuasion and if the other 49% votes for other parties or other government, you must in principle and by law recognize that the 51% is the governing body of the country and provinces in which we live, and I submit, sir, it is a fit and proper basis to apply the same in industry.

Now, as to company unions, and perhaps I am getting a little ahead of myself, I heard Mr. Furlong make a suggestion to Mr. Mosher this morning. We are not here to compel employers, again referring to that word "compulsory", to negotiate a concluded contract. It is true that much of the opposition in labour disputes which have arisen in recent years centres around the question of collective bargaining. There are cases, I must frankly admit, in which companies are willing to do business with a union. There eventually arises a dispute as to the proposed terms of contract on each side. I think it is the desire of labour, in so far as it is humanly possible and in so far as its own responsibility will authorize or allow it to do so, to carry on its negotiations without the interference of government, and yet that leaves us, to some extent, in a blind alley. The company says "Yes, we will recognize the union, or negotiate, but the demands of either side may be such that it may not be possible to arrive at a contract by reason of such negotiations. I think it is reasonable to project here that there might well be given thought by the Committee to some process of mediation by the Minister of Labour to use his good offices to try and arrive at the solution of negotiation difficulties between the respective parties. I say that I hope as a sensible person. "Strike" is a term thrown around with abandon. In my estimation strike should be an instrument used as a last resort. "Strike" should be the last word. I say that for two reasons, one perhaps a very selfish reason. You try and go into a strike with an employer and your chances of winning that strike are at best a 50-50 position. You pull men out on strike and they must be fed. You cannot keep them continuously on strike unless you propose to feed their bodies. It has been said that man does not live on bread alone. Strikers certainly do not; they have to eat. The average union treasury is composed of only as much money as the average union member pays into it. So, even under the most favourable conditions a union has merely an even chance of winning or losing a strike. Now, what about the other reason, having given the selfish reason? I think good sense, a true regard for the welfare of the community, a true regard for the welfare of your members should indicate, if it does not, that the last thing that should be resorted to is a strike, that a responsible



negotiator, a responsible union officer should try and exhaust all possible means to arrive at a contract without resorting to such weapons. I am frank to admit that we have in the labour movement individuals who are not given to so thinking. I say that because I think the *Globe and Mail* will say it for me anyway. It is not an admission; it is a fact. I anticipate them making it.

THE CHAIRMAN: Q. You mean the unions are made up of human beings?

A. Yes. The law of averages will run through all these men the same as in any other branch of society. What the proportion of wise, young men is I frankly do not know. I suggest in all sincerity, agitation by hunger, or unfair conditions, which I think is a stimulant to irresponsibility, the denial of certain rights by employers stimulates irresponsibility, leaving those stimulants aside the degree of irresponsibility in the ranks of labour or labour leaders is no more that what it would be in the ranks of industry itself. I think the record bears that out. I submit in all sincerity and with no reflection on any individual employer, that the employers who refuse to recognize labour are showing as much or a greater degree of irresponsibility by not having a proper perspective of the right or of the function of an employer in industry as an irresponsible labour leader in trying to resort to a strike without proper negotiations. It seems to me the two things go together.

For me to come before this Committee and say all the virtue is on the side of labour would be wrong. I know employers who have accepted responsibility in dealing with their employees. They have never quibbled over the question of recognition. When negotiations over wages have arisen they have attempted to look at the matter on an even basis. True, they might look beyond a certain limit. Industry can only bear as much as the traffic will carry, but, within those limits I can name employers from the Atlantic to the Pacific who have tried to employ a broad and rational viewpoint in the matter of doing business with their employees. It is the other individual whom I call the irresponsible employer who is in the main responsible for the government having even to consider the necessity of putting this legislation on the statutes, who has driven labour into a corner from which corner it must fight back not in opposition to employers or in opposition to the government but to establish its own elementary right and take a definite stand thereon.

As to company unions we say company unions should be outlawed. We say any proposed legislation as brought into being by your government, sir, should so stick. We say with all emphasis of which we know that any employer who exceeds the role of expecting a fair return on his investment and tries to use or abuse his own economic power over local, isolated unions which we call individuals without protection, tries to shanghai or project them in to a mechanism of his own choosing. He is not only exceeding his own right but, in my frank opinion, he is demonstrating a pathetic lack of intelligence as to his own functions. Feudalism did not work. Hitler's only worked for the time being; it is not working now. They declare themselves to be the master race. They have ground the inferior being in Europe into the dust but, curiously enough, the people who are being ground into the dust are coming back as live human beings to tumble the juggernaut back where it belongs. This master race theory is in essence the content of company unionism. When any man at the top of industry sets himself up as the know-all and the end-all, and the determiner of the rights of those working

for him whom he regards as inferior human beings, he may do it for a time, as Hitler has done in Europe and as has happened elsewhere, but there is going to be a day of reckoning for him. He cannot grind individuals into a mechanism of his own choosing, because human nature will rebel. We do not wish to see bloodshed in this country. We do not see a day of reckoning, or ask for a day of reckoning against such an employer. We say the government, fulfilling its function for the welfare of the people, should at the first opportunity try and set up a mechanism which will prevent this day of reckoning and which will bring home to this, in my opinion, stupid employer who does not even know his own functions and set up a preventative medium for the peace, good order and government to ensure the welfare of the community.

The whole principle of company unionism is wrong. The very name indicates what it is. A company union, in reverse, to give it its proper title, is a union which belongs to the company. How could the union which belongs to the company do the workers any good? It could do good for the workers on the presumption, if you please, that there is only one man in every industry who has intelligence enough, who is capable enough of determining the welfare of the hundreds and scores of thousands of workers involved in that industry. To say that John Jones, an employer, is the only one with brains in the industry, despite the fact that without the intelligence and the application of that intelligence of the hundreds and thousands working in the industry his investment would not be worth a red five cent piece, is a peculiar statement.

We say that man must be brought to recognize that if democracy is to progress it must progress on a basis of intelligence, not by a specie of Hitlerism, by appealing to the lowest denominator or the brute in all of us, by allowing free play and application of intelligence by all in the industry, itself. The worker at the bottom shall have the unreserved right to exercise that intelligence as an investor in the industry to determine with the other investor, the employer, the way of life he shall enjoy.

I have never yet heard of any employer who would shamefacedly come before this Committee and say he has the right to protect company unionism, to select the organization of the worker's choice, because there is only one inference to be drawn therefrom, and that is he is the only one in the industry with the intelligence to so do.

I submit in all sincerity unless company unionism is outlawed in industry what we are doing here, what we have done, is depriving the mass of the employees in industry from exercising their normal intelligence.

As to the question of registration and incorporation: I listened to Mr. Furlong's questions of Mr. Mosher this morning. Registration, I presume, implies the report of findings, membership and the supplying of names to the government, and so on and so forth. I do not think there is any ordinary objection to that if that was all which would be implied by it. If a union leader must be responsible, and he should be if he is not, he can have no objection to extending an open face to the rest of the people of the country, but labour is, frankly, afraid that registration means only one thing, the abuse of such by anti-labour employers who will use it to such an extent that registration will become, if not in fact then in degree, a specie of incorporation to, in turn, make unions

suable, to make the individuals responsible, which they, as employers, have incorporated, have tried to deny that is the responsibility of the individual. In short, we think that anything leading to interpretation of the implication of incorporation will be used by unintelligent employers to try and break the unions which they do not like.

MR. OLIVER: Q. How could they so use that?

A. Well, I do not know. I am not a lawyer. That is our fear.

As to the merit of the closed shop, we are not saying here to-day that the closed shop should be one of the sections in this act, making it mandatory upon employers. We do say that where both parties are agreed on this it should be so stated in the legislation that it will not be an offence or in restraint of trade, or, in what may be properly called legal language, to not make it in violation of the legislation, itself. There will undoubtedly be argument against the closed shop. It would not be human if there were not. There is an old maxim, I believe, that there are two sides to every story. In most cases there are twenty-two, and I believe that applies to the closed shop.

MR. FURLONG: As the chairman says, "From my side, the other fellow's side and the right side."

THE WITNESS: The closed shop is a sort of bogey. The United Mine Workers of Western Canada have been established since 1904, roughly forty years. We have signed closed shop check-off contracts with all the producing areas of the three western provinces. We blanketed 98% of the coal industry with closed shop check-off contracts.

THE CHAIRMAN: Without the aid of any legislation?

A. Without the aid of any legislation. We lost many lives, we lost much blood. We enjoyed some very long strikes in the process of getting it. Some of our strikes went on as long as fourteen, eighteen months.

These employers are not small employers. Some of them are subsidiaries of the Canadian Pacific Railroad, others indirectly connected. Others are relatives, if we may use the term, of the Consolidated Smelting Company. They all recognize the closed shop; they all recognize the check-off. True, in the early days they raised particular Cane about it but, since the last twenty years, the question of the closed shop with the check-off has never been in issue. It has become institutionalized; it has become accepted.

The complaint in respect of closed shop usually comes from employers. They say they are against the principle of a section of the workers being forced into a union against their choice, that the closed shop in effect does about two or three things, that it denies the right of the individual to belong or to not belong, and in addition to this—this is important—it gives the union a strangle hold on all the employees of the company and can hire and fire and dismiss at will. In short, it is a form of conspiracy against the best interests and welfare of the individual and of industry as a whole. That, I think, in brief, is the common complaint against the closed shop.



What are the facts? The facts are that mine unions never asked for a closed shop unless we had between 85% and 90% of the men enrolled in the union. The boss comes along and says "What about the other 10%? I am against saying join the union because it denies them of their own rights in that respect." We say, in reply, "You on one side of the table and ourselves on the other recognize one another as bargaining mediums for each and for the industry as a whole." A union goes into an industry and invariably it tries to get reasonable wages and working condition, and security, and all the rest of it. Let us say it does that job. Let us say it gets a fair wage and a good working condition, this is important, that when you sign a contract with this union you not only contract and agree to pay them fair wages but you expect something in return. You expect that union to assure to the company a fair day's work from all the employees in that plant or factory, as the case may be. It is right and proper that guarantee should be given by the union. How can that guarantee be given to the company? How can it be made effective? Say 75% or 80% of the men are in the union, unless the closed shop is put into effect the guarantee of the union to the employer to in turn return a fair day's work for a fair day's pay cannot be made effective unless the union has what you would call control over 100% of the men. In most industries to-day most of your production is done by departments, even in a coal mine. You could have 75% of your membership doing a fair day's work, but you may have 25% outside of the union altogether, who do not agree with the union, who are at variance with the members thereof and the disagreement between that 25% and the 75% of the membership interferes with the normal process of production and it ultimately affects the output. In short, to be responsible for that guarantee to eliminate the development of local industrial grievances upon the one hundred and one individuals, without the centralization of those grievances, I say you have a medium allowing the development of isolated complaints among the individuals. You are allowing a sore to develop among the body politic of that industry, which is ultimately going to lead to ruin. We say that is not a good condition. We say, let us put the latter of labour relationships on the same business basis. In the matter of the production of the material and in the matter of the cost of that production, which involves satisfactory labour relationships with reasonable controls thereof—which we think is the best investment any reasonable minded employer could make—he should operate his personnel and his human relationships on the same business basis as he operates the distribution of his products. It is peculiar, for instance, how many employers efficient to the utmost in selling their commodities really do it in a nice way, yet in contrast they are producing their commodities under a condition of enmity. They are trying to cut costs in the distribution of the product. What should be their first concern is left unattended because there is no satisfactory basis of relationship between themselves and their employer.

As to the yellow dog contract, the yellow dog contract has a sort of relationship to a company union. A company union proposes to embrace all potential victims. The yellow dog contract, an Americanism, a slang term, means in effect the boss just calls his victims into the office one by one and invariably he hands them a document out of the pay office window, gives them about a minute to sign it, and they do not know what they have signed. Later, when they are performing some alleged violation of company practices, they find they have signed a contract which literally signs their lives away. I have a vicious example here which has been used in recent times. This is an authentic copy, I am told.

In fact, it was brought to my attention some months ago. This represents an incident of the attitude of a number of employers who just refuse to do business with labour. It is headed "Davis Leather Company Limited, Newmarket, Ontario", issued on December 15th, 1942. It reads as follows:

"Having elected a Relationship Committee representing all departments, I favour giving them time and opportunity to work out with the Davis management revised wages and working conditions.

I feel it would be better for me to depend on the Davis Management's word that they will meet the Relationship Committee's request in a fair manner both as to working conditions and wages than to trust in the fairy promises that are being made by some unknown Jew from Toronto.

Until it is shown that satisfaction cannot be obtained by this Committee I will remain loyal to the firm.

Signature....."

The workman has to sign his name thereto. This company has to some extent apologized for this document since then, which, I think, of course, they should do. However, in the meantime they have again set up a company union and have employed every conceivable and questionable method to prevent the employees of that firm from selecting organization of their own choice.

There, sirs, are the highlights we believe should be included in collective bargaining legislation. Perhaps I have talked too long, and I hope I have not bored or worried you, but I think I would be most remiss in my duty to the union I represent if I did not at the moment convey to you that any legislation which should be implemented by your government should be one which should and must be satisfactory to labour. I do not say that in any challenging fashion, but it would seem to me to be quite obvious that any legislation which is passed which is not satisfactory to labour must defeat the ends for which it is proposed to be brought into being.

That is all I can say at the moment.

MR. FURLONG: Thank you very much, Mr. Conroy.

I do not think I have any questions to ask, Mr. Chairman, unless the members of the Committee have.

THE CHAIRMAN: Have the members any questions to ask of Mr. Conroy? Have Mr. Aylesworth or Mr. Lang any questions?

MR. AYLESWORTH: No.

THE CHAIRMAN: Mr. Brewin?

MR. FURLONG: Mr. Conroy, have you another witness?

MR. CONROY: Just myself here.

THE CHAIRMAN: Mr. Bell asked a question which has been running in my mind. He was wondering what your opinion would be, Mr. Conroy, as to whether it would be possible to have the different labour organizations agree on the terms of a collective bargaining Bill.

THE WITNESS: Well, of course, sir, I can speak for myself in that respect, that labour organizations—that is the legitimate organizations—I think are at one in believing in certain essential features of a proposed Act; but I would venture to say this, even if the relatively minor features there might be some difference of opinion and there should be no obstruction or no objection by any of us to agreeing on a broad basis of legislation.

THE CHAIRMAN: Well, thank you very much.

Mr. Oliver says your presentation has been very ably made, Mr. Conroy.

WITNESS: Thank you very much.

MR. FURLONG: Mr. Chairman, that completes the programme for to-day unless Mr. Thomson is here from Oshawa.

A VOICE: Mr. Thompson was here this morning during the session when Mr. Mosher was presenting his evidence. He thought the matter was in good hands.

MR. FURLONG: He thought it would be well taken care of. Thank you.

Mr. Chairman, we deliberately set aside to-day for Mr. Mosher and his organization, thinking it would absorb practically the whole of the day, so there will be nothing on the schedule to be dealt with until to-morrow, now, Mr. Chairman.

MR. MOSHER: May I again indicate my appreciation for your kindness in giving us this time to present our views to you. As I said this morning, I will probably send a brief to you later.

THE CHAIRMAN: Mr. Furlong, has Mr. Finkelman anything further to add?

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J. FINLELMAN, recalled.

THE WITNESS: Mr. Chairman, this morning Mr. Habel asked me if I would put on the record some sort of yellow dog contract. I have here a yellow dog contract of sorts which came before the Court of Appeal of Ontario in 1936. Mr. Justice Riddell set out the yellow dog contract at some length, and I thought I might read it to the Committee if they wished it to be done.

This is the term of the contract which the employees were asked to sign:

“ ‘In consideration of the employer employing him at the salary aforesaid, the employee hereby agrees with the employer that neither he nor any person or persons on his behalf will at any time hereafter either on his own



account or that of any trade union of which he may be a member or in partnership with or as assistant, servant or agent to any other person, persons or company, utter or publish by means of handbills, circulars, placards, signs, sandwich boards, banners or any other written or printed representation or by word of mouth or by any mechanical device or transcription or otherwise any statement of or concerning the employer to the following effect or embodying any of the following words or any of them: that there is a strike or lockout at the employer's premises, that the employee or any person or persons is or are on strike or have been locked out at the employer's premises, that there ever was a strike or lockout or that any person or persons ever were fired, discharged or dismissed by the employer or at the employer's premises, that there was or is discrimination at the said premises, that there was or is an unfair condition at the said premises, that low wages were paid there, that the said premises were or are not a union shop or do not belong to any union or unions or are not recognized by any union or unions or any other words of like import or any other words or statements or representations which are calculated to or may be reasonably likely to cause persons to refrain from dealing with the employer or to think that there is any labour trouble whatever existing in respect of the employer's premises or any trade dispute in existence thereat, and without limiting the generality of the foregoing, any other statements or representations, whether of matters of fact or whether of matters in the future made of or concerning the employer which might reasonably be deemed to be prejudicial to the interests of the employer; and the employee further agrees with the employer that neither he nor any person or persons on his behalf or with his knowledge, consent or privity or at his instigation, will at any time hereafter, either on his own account or that of any trade union of which he may be a member or in partnership with as assistant, servant or agent to any other person, persons or companies or any association incorporated or unincorporated, registered or unregistered, loiter near, parade in front of or adjacent to, carry signs, banners, sandwich boards, or distribute circulars or handbills near or adjacent to, or beset or watch or picket (peacefully or otherwise) in the vicinity of the business premises of the employer for the purpose of making, uttering or publishing any of the representations or statements aforesaid or for the purpose of giving any information to members of the public or to customers or prospective customers of the employer or to employees of the employer or for the purpose of making known to anyone any of the statements or representations aforesaid or for any other purpose that might be calculated to or may be reasonably likely to cause customers, prospective customers or prospective employees of the employer to refrain from dealing with or working for the employer or for any other purpose that might reasonably be deemed prejudicial to the interests of the employer'."

THE CHAIRMAN: Did a lawyer draw that?

MR. HAGEY: Q. What was the basis and the termination of the litigation?

A. The basis of the litigation was that after this contract was signed by numerous individual employees a strike did break out.

THE CHAIRMAN: I should think it would. What was the suit about then—damages?

A. There was an action for damages for violation of this contract and a motion for an injunction was made and an interim injunction was issued. Then, there was a motion by the plaintiff for Writs of Attachment for contempt of court for violating the injunction.

MR. HAGEY: Q. What was the outcome?

A. The outcome was that the injunction was granted and the strike was broken.

MR. LANG: Mr. Chairman, before adjourning, I was going to suggest to Mr. Furlong, I understand Mr. Furlong has furnished or is furnishing the members of the Committee with copies of legislation in other jurisdictions. I am wondering if he could include in that the present legislation in Wisconsin and Pennsylvania, if it is convenient. I think it would be of interest to the Committee.

MR. FURLONG: We are just about crazy now digging out legislation. When we get it we have to have it typed. It has taken a little longer than we thought it would. However, if we can do it, we will.

THE CHAIRMAN: The proceedings of this Committee will now stand adjourned until to-morrow morning at 11 o'clock.

I would like to request that the members of the Committee remain here after the people in the body of the room have left.

Whereupon, at the direction of the Chairman, the Committee adjourned at 3.15 p.m. until 11 a.m., Thursday, March 4, 1943.

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#### FOURTH SITTING

Parliament Buildings, Toronto,  
Thursday, March 4th, 1943, at 11.00 a.m.

Present: Messrs. Clark (Chairman), Anderson, Gardhouse, Habel, Hagey, Newlands, Oliver, MacKay and Murray.

Mr. W. H. Furlong, K.C., Counsel to the Select Committee.

Mr. J. Finkelman, Adviser to the Committee.

Mr. J. B. Aylesworth, K.C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.

Mr. D. W. Lang, K.C., Counsel for the Canadian Manufacturers' Association (Ontario Division).

Mr. F. A. Brewin, Counsel for the United Steel Workers of America.

And other representatives of various organizations.

THE CHAIRMAN: All right, gentlemen, you will please come to order.

Mr. Furlong, what have we this morning?

MR. FURLONG: Mr. Chairman, I have a resolution here from the town of Thorold. It reads as follows:

"March 3rd, 1943.

Hon. Gordon Conant,  
Premier of Ontario,  
Parliament Buildings,  
Toronto, Ontario.

Dear Sir:—

At a meeting of the Thorold Town Council last evening, the following resolution was passed in connection with the passing of a modern Collective Bargaining Bill by the Province, and I have been directed to forward to you a copy of that resolution:

'Whereas the interests of our effort demand maximum and uninterrupted war production, co-operation between labour and management and the elimination of all factors which impede production and cause national disunity; and

Whereas the adopted and proper application of collective bargaining legislation would remove one of the chief causes of industrial disputes in wartime; and

Whereas all labour organization in Canada have appealed for collective bargaining legislation as already exists in Great Britain, the United States of America and other democratic countries and which is in accord with the principles of the Atlantic Charter to which we are committed;

Be it therefore resolved that this Council petition the Government of the Province of Ontario and requests that it do, at the present Session of the House, enact a modern Collective Bargaining Bill.'

I trust that you give serious consideration and pass legislation in this connection.

Yours very truly,

(Signed) Norval E. Bye,  
Clerk-Treasurer,  
Town of Thorold."

EXHIBIT No. 15: Resolution, Town of Thorold, Ontario, dated March 3rd, 1943.

This is a wire sent to the Hon. M. F. Hepburn, and which I have been asked



to present to the Committee. It is from Ernest Heintz, Secretary-Treasurer, Windsor Labour Council. It reads as follows:

"Windsor, Ont., Feb. 23.

Hon. M. F. Hepburn,  
Queens Park, Toronto, Ont.

Dear Sir,—At a meeting of the Windsor Labour Council held Sunday, Feb. twenty-first, all delegates present, a group representing twenty-eight thousand war workers in the Windsor district vigorously protested the shelving of the proposed collective bargaining Bill and demand that adequate legislation be brought down at this session of the Legislature to protect the bargaining rights of labour.

(Signed) Ernest Heintz,  
Secretary-Treasurer,  
Windsor Labour Council."

EXHIBIT No. 16: Telegram, Windsor Labour Council, to Hon. M. F. Hepburn, dated Windsor, Ont., Feb. 23, 1943.

There is another wire sent to the Hon. Mitchell F. Hepburn. It reads as follows:

"St. Catharines, Ont., Feb. 15.

Hon. Mitchell F. Hepburn,  
Provincial Treasurer,  
Parliament Buildings, Toronto.

Membership of Local 676, U.A.W.-C.I.O., Merritton, strongly urges you to use your influence to bring before the Provincial Legislature the promised Collective Bargaining Bill which will give Ontario workers the right under law to bargain collective with their employers. Legislation of this kind would do much towards aiding workers to achieve the all-out production necessary for a total war effort.

(Signed) Hedley Magor,  
Recording Secretary."

EXHIBIT No. 17: Telegram, Hedley Magor, Recording Secretary, Local 676, U.A.W.-C.I.O., Merritton, to Hon. Mitchell F. Hepburn, dated St. Catharines, Ont., Feb. 15, 1943.

Here is another wire from Windsor again to the Hon. M. Hepburn, reading as follows:

"Windsor, Ont., Feb. 12, 1943.

Hon. M. Hepburn,  
Parliament Buildings, Toronto, Ont.

We urge you stand firm against those reactionary and business as usual elements who are trying to scuttle collective bargaining Bill which is necessary for industrial peace and total production. Those who fight the Bill fight against democracy and the principles of the United Nations to which we in common with Ontario's millions are steadfastly devoted. You may

count on our wholehearted support in your efforts to pass the Bill during session.

(Signed) R. G. England,  
President Ford Local 200, U.A.W.-C.I.O."

EXHIBIT No. 18: Telegram, R. G. England, President Ford Local 200, U.A.W.-C.I.O., to Hon. M. Hepburn, dated Windsor, Ont., Feb. 12, 1943.

Then, Mr. Chairman, I have a resolution to present to the Committee from the City of Guelph. It reads as follows:

"March 2nd, 1943.

Premier of Ontario,  
Parliament Buildings,  
Toronto, Ontario.

Dear Sir:—

At a meeting of the Guelph City Council, held last evening, the following resolution was passed:

'That this Council petition the Government of the Province of Ontario and requests that it do, at the present Session of the House, enact a modern Collective Bargaining Bill.'

Yours truly,  
(Signed) H. J. B. Leadlay,  
City Clerk."

EXHIBIT No. 19: Resolution, the City of Guelph, to the Premier of Ontario, dated Guelph, March 2nd, 1943.

Then, Mr. Chairman, last but not least, from the town of Riverside.

THE CHAIRMAN: For the enlightenment of the other members of the Committee who do not know that district as well as I do, Riverside is an appendage of Windsor.

MR. FURLONG: The resolution reads as follows:

"Whereas the interests of our effort demand maximum and uninterrupted war production, co-operation between labour and management and the elimination of all factors which impede production and cause national disunity; and

Whereas the adopted and proper application of collective bargaining legislation would remove one of the chief causes of industrial disputes in wartime; and

Whereas all labour organizations in Canada have appealed for collective bargaining legislation as already exists in Great Britain, the United States of America and other democratic countries and which is in accord with the principles of the Atlantic Charter to which we are committed;

Be it therefore resolved that this Council petition the Government of the Province of Ontario and requests that it do, at the present Session of the House, enact a modern Collective Bargaining Bill, and that copies of this motion be forwarded to Council of all municipalities within the Province having a population of 4,000 inhabitants or over with a request that they endorse same and forward their endorsement to the Provincial Government."

EXHIBIT No. 20: Resolution, the Town of Tiverside, Ontario, dated March 1st, 1943.

That concludes the resolutions for this morning.

We have now made arrangements to call on the representative from the Bell Telephone Company employees in order to deal with the Plan of Employee Representation, Plant Department, Bell Telephone Company. I understand Mr. N. W. Mitchell is present.

THE CHAIRMAN: Just before Mr. Mitchell is called, I have one or two communications which I think should be read.

I refer to a letter, dated February 22nd, 1943, addressed to:

"The Speaker,  
Parliament Buildings,  
Toronto, Ont.

Dear Sir:"

I may say it is on the letterhead of The De Havilland Aircraft of Canada, Limited.

"As chairman of a committee which is reviewing the proposed Bill on labour legislation, I wish to place before you my personal views on the subject.

I have been with the above firm for two years and have seen its labour relations change from one of the happiest plants to one of the most disgruntled during this period. During all this time there has never been the slightest change in the attitude of the management to the staff and to my certain knowledge no request made by the staff has ever been treated with any but the friendliest and the fullest spirit of co-operation.

For the benefit of the staff, they organized themselves into the De Havilland Employees Association and the executive committee of this organization has handled the inevitable problems that arise as between management and staff in a highly creditable and satisfactory manner.

In spite of these conditions and for reasons best known to themselves, the C.I.O. organization introduced some of its organizers into the plant and the morale, spirit, and production of the whole plant has deteriorated from that day to this. We now have a plant where at least a substantial part of the staff spend their time in heated debate over trifles and give these trifles



precedence over the serious work in hand. To add further to this boiling, we have recently had an influx of A.F. of L. organizers and I suppose the end is not yet.

What is particularly difficult to appreciate is just why these two foreign organizations should be so interested in organizing this plant unless it is purely for the monetary or political power which such organization would give them. They can do nothing in the way of wages or conditions of work which the De Havilland Association could not do for the staff, but this nothingness is to cost our staff anywhere from Sixty to Eighty Thousand Dollars per annum in fees, a very tidy sum in any man's language. If this is what it costs to do away with so-called company unions, then I say the cost is too great.

The destruction of morale and the monetary outlay, in my judgment, completely denies the usefulness of these labour organizations. I am personally satisfied that these organizations have no other interest in mind whatever but their own selfish ends and any benefits or help that may accrue to the staff generally speaking will be purely coincidental.

A great number of the employees here are old and tried friends of mine and I cannot let this matter go to your Committee without challenging the whole basis on which the labour organizations will present their case. I have lived with and through the destructive working of their methods and I say to you without hesitation that they are an invention of the devil well calculated to become a menace in this land.

I am entirely in sympathy with men's right to organize into a group which gives them power and the right to control their own destinies, but when they have to support a group of parasites in order to accomplish this purpose, then my sense of right and fair dealing becomes outraged and I lodge this protest with you in consequence.

Needless to say, these are the personal views of the writer and must not in any sense of the word be construed as the views of the management of this firm and are sent to you because I cannot have this legislation introduced and passed leaving your Committee under the impression that there is not a very strong feeling among some of the staff in this plant that the purpose of it is conceived in iniquity and born of avarice and greed.

Yours very truly,  
(Signed) L. Cummings."

MR. ANDERSON: What plant is that?

THE CHAIRMAN: It is The De Havilland Aircraft of Canada, Limited. It is written on their letterhead. I was sick, as you know, and my secretary wrote under my name on the 25th of February, 1943, to L. Cummins, Esq., c/o The Haviland Aircraft of Canada, Postal Station "L", Toronto, Ontario, as follows:

"Dear Sir:

I have your letter of February 22nd.

Please advise me if you wish to make personal representations to the Committee. If so, I will let you know the time and place.

Yours very truly,"

Then, on February 26th, this letter was received from Mr. L. Cummings, Transit Officer:

"February 26th, 1943.

Mr. J. H. Clark,  
The Speaker,  
Legislative Assembly,  
Parliament Buildings,  
Toronto, Ont.

Dear Mr. Clarke:

Replying to your favour of February 25th, I regret to say that much as I would appreciate the privilege of expressing my views to your Committee in person, it would hardly be proper for me to do so.

As the Assistant Security Officer of the Company it would be almost unavoidable for any views which I might hold to be taken as representing the views of the Company itself which might or might not be true.

I will only reiterate that the views in my previous letter were my personal opinions but I know that they represent the opinions of a very large section of our staff and I will leave the weighing of them to your Committee.

Yours very truly,  
(Signed) L. Cummings,  
Transit Officer."

The only way I felt the Committee would be able to weigh it would be if I filed the correspondence.

EXHIBIT No. 21: 3 letters: L. Cummings to The Speaker, Parliament Buildings, Toronto, Ontario, dated February 22nd, 1943; The Speaker to L. Cummings, Esq., dated February 25th, 1943; and L. Cummings to J. H. Clark, dated February 26th, 1943.

MR. ROWE: I would like to say a word to the Committee.

THE CHAIRMAN: What is your name and initials and whom do you represent?

MR. ROWE: My initials are H. Rowe, and I represent the United Automobile Workers. I was wondering if you had any information that the company union at De Haviland was dissolved yesterday?

THE CHAIRMAN: I have not any. That is the only information I have.

MR. ROWE: I am informed they were dissolved yesterday.

THE CHAIRMAN: I think there should be nothing withheld. Everything should be laid before the Committee so we can consider all the representations.

Now, we have another letter here which reads as follows:

“March 2nd, 1943.

Mr. James Clark,  
Chairman of Legislative Committee on Collective Bargaining,  
Parliament Buildings,  
Toronto, Ontario.

Dear Sir:

Please find enclosed Resolution adopted unanimously at a conference of A.F.L., C.C.L., and C.I.O. leaders in Windsor, held Sunday, February 28th, 1943. The conference expressed regret that you were unable to be present to participate in the discussion.

Trusting this Resolution will receive your earnest consideration, I remain,

Yours very truly,

(Signed) Roy G. England,  
President,  
Ford Local 200,  
U.A.W.-C.I.O.”

And this, gentlemen, is the resolution for the consideration of the Committee:

“RESOLUTION TO LEGISLATIVE COMMITTEE CONDUCTING OPEN HEARINGS  
ON LABOUR BILL

WHEREAS: Relations between Labour, Management and Government in Ontario have been such as to make it extremely difficult for Labour to give its maximum in the battle of production inasmuch as energy which should be directed towards solving war-time production problems have been consumed in strife and disputes; and

WHEREAS: Any act, deed or speech which seeks a continuation of this condition which deprives the workers of Canada's highest industrialized province to the legal right to organize and bargain collectively, aggravate a situation that can only lead to a splitting of our forces at home to the delight of enemy saboteurs and fifty columnists; and

WHEREAS: A Collective Bargaining Bill which legally obliges an employer to bargain with plant majority representatives; which outlaws company unions under whatever disguise; which places penalties against employers for discrimination for union activities—such a Bill will finally give the worker the right of freely expressing himself regarding conditions of work, hours and wages. It will open wide the flood-gates, enabling labour to divert efforts hitherto spent in seeking recognition into channels of co-operation with industry and Government for an ever greater contribution in the world-wide crusade to smash Fascism.



THEREFORE BE IT RESOLVED: That we, delegates from A.F.L., C.C.L., and C.I.O. Unions in Windsor, meeting in joint conference to discuss the Labour Bill, and representing 31,000 organized workers, urge your Committee to disregard all who seek the defeat of such a Labour Bill, since they do not represent the will of the majority of the people of Ontario; and

BE IT FURTHER RESOLVED: That this conference go on record as favouring and urging a report by your Committee which will take the above factors into consideration and recommend the immediate enactment of such a Labour Bill."

That is all I have.

EXHIBIT No. 22: Letter and resolution from Roy D. England, President, Ford Local 200, U.A.W.-C.I.O., to James Clark, dated March 2nd, 1943.

MR. FURLONG: Mr. Chairman, with your permission, I will now request Mr. N. W. Mitchell to make his presentation to this Committee.

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PLAN OF EMPLOYEE REPRESENTATION, PLANT DEPARTMENT,  
BELL TELEPHONE COMPANY OF CANADA.

N. W. MITCHELL, sworn. Examined by MR. FURLONG:

Q. Mr. Mitchell, first, will you give me the correct name of your organization?

A. Well, Employee Representation, Plant Department, Bell Telephone Company.

Q. Oh, I see.

THE CHAIRMAN: I did not quite get that.

MR. FURLONG: Plan of Employee Representation, Plant Department, Bell Telephone Company?

A. That is right.

Q. Is that affiliated with any of the other unions known as the Congress of Labour, or the A.F. of L.?

A. We have no affiliation with any other union or organization of any kind.

Q. Are you what is known as a plant organization?

A. That is right. We represent plant employees of the organization of the Bell Telephone Company.

THE CHAIRMAN: Will you speak louder? The members of the Committee cannot hear you.

A. I am sorry.

MR. FURLONG: You are not affiliated with any other organization?

A. That is right.

Q. Then, how are you formed? Are you formed by the free will of the employees apart from the company?

A. Possibly, with the permission of the Chairman, if I had an opportunity of presenting our memorandum it would give a brief indication of the basis of what we have to present.

Q. Go right ahead.

THE CHAIRMAN: Yes, do, but let us hear you.

THE WITNESS: I am endeavouring to. This is an unusual experience for us. This is a memorandum which was presented to the Hon. Peter Heenan, the Minister of Labour, in October. It incorporates a certain principle which we feel is very important. It also gives a brief outline of our organization and of how it has come up in the years it has been in existence. We have not seen any reason to change anything in our memorandum, while, as you will see, as I read it, it was addressed at a specific time. The principle incorporated still stands, as far as we are concerned.

Employees of industry in general are undoubtedly keenly interested in the proposed legislation by the Ontario Government relative to Collective Bargaining and conditions associated with such legislation. We, the undersigned, as Area Officers of the Employee Committees of the Plant Department of the Bell Telephone Company of Canada, are no exception. We heartily commend yourself and your government for the interest manifested in labour problems by the definite assurance that by legislation, employees will be guaranteed the right to Collective Bargaining. However, as you know, in respect to labour controversy throughout the years the employees whom we represent have occupied an isolated position and we feel justified in drawing to your attention certain conditions in respect to our constituents.

In 1919 negotiations between Management and Employees of the Bell Telephone Company of Canada were made possible through an organization known as a Plant Council.

Q. Known as what?

A. Known as a Plant Council. The terms of agreement were jointly developed through employee-employer discussions. This medium of negotiation operated until the year 1934, when a new agreement was drafted and called the Plan of Employee Representation.

Q. Do you mean "plant" or "plan" or Employee Representation?

A. "Plan" of Employee Representation.

Q. "Plan of Employee Representation"?

A. That is right. In 1939 it was revised again and the Plan under which we are presently operating was drafted. At each revision undesirable features were discussed and, in the majority of cases, eliminated. Thus, the original plan has been developed to a point now considered to be an effective and satisfactory means of negotiation between employees and management.

Despite the previous acknowledgment that in respect to labour in general, the proposed legislation would be of unquestionable value, we are of the firm conviction that any employee, either individually or collectively, should have the right to join or support an organization of his choice. This is one of the prime principles of democracy for which the peoples of the United Nations are sacrificing so much to preserve. Therefore, we solicit your close attention to the following:

Acting as accredited representatives and executive officers for, and on behalf of, all employees of the Plant Department of The Bell Telephone Company of Canada, we do hereby register disagreement with labour leaders that the Plan of Employee Representation and other similar plans must be eliminated in the interest of Collective Bargaining; that such a clause in any labour legislation in respect to Collective Bargaining would appear to be a coercive measure, contrary to the democratic principle which makes the new freedom of labour known as Collective Bargaining possible.

In the interest of the employees whom we represent, in the interest of other groups in comparable position, and in the interest of democracy, we are petitioning your Government's attention, through your Department, to a proposal that in the final drafting of legislation concerning Collective Bargaining, provision be made whereby the Plan of Employee Representation may continue to serve as a means of negotiation between management and employees, depending on the desire of the employee group.

We, as you see in our memorandum, are not taking any exception to the principle of compulsory collective bargaining. We are, though, taking serious exception to a statement made by other leaders of labour organizations that employee representation and company agreements must be sacrificed in the interests of compulsory collective bargaining.

Q. May I point out here, up until the present time no representatives of organized labour have asked that the legislation they are working for should have a clause of that kind in it.

A. I have a copy of a statement made here yesterday.

Q. I think as far as they have gone, subject to correction by members of the Committee, or Committee counsel, they have only asked that what they call a company union should be legally outlawed, but their definition of a com-



pany union is a union which has been dominated or interfered with or created by management; not one in which the employees of their own initiative got together and elected representatives in which they sit around with management exactly like in your case and have arrived at an amicable agreement. I am subject to correction, but that is my impression of the submissions of the labour representatives so far; that they have not asked that a company union or a plant union, like yours, be outlawed. The only ones they say should be outlawed, if I understand them correctly, are the ones in which the union has been established through bribery or intimidation, or coercion or other means of that kind among the employers of the plant.

MR. HABEL: If you remember the question I asked Mr. Mosher yesterday you will remember I asked him if he would agree that the employees would have taken a secret vote and would have favoured the company union and he said "No".

THE CHAIRMAN: I did not understand that. I understood that as long as it was a free association of employees, utterly devoid and separated from any influence or intimidation on the part of management, then they said that is the freedom of the association to which they are agreeable.

MR. MACKAY: That is right.

MR. OLIVER: That is right.

THE CHAIRMAN: They did not object to a company or plant union, like what Mr. Mitchell is talking about this morning. Is that your understanding, Mr. Furlong?

MR. FURLONG: I understand him to say that anything which was financed, dominated or controlled by the Company in any way was a company union and not what they wanted.

THE CHAIRMAN: And then Mr. Hagey, if my interpretation is correct, asked Mr. Mosher the question would the fact that the company paid the men's time—that is, the representatives of the employees—when they were discussing things, when they were at their usual job, would that be construed as financing the company union, and Mr. Mosher said, no, that would not be so considered.

MR. FURLONG: I understood that was the answer to the question.

Professor Finkelman, is that your understanding?

MR. FINKELMAN: I think confusion arose between the circumstances where the company dominated or coerced the union and the people who were subject to that coercion were asked to vote, in which event there would not be a free vote. That is to what he was objecting, but he was not objecting to any union or organization, or association of employees elected by the employees freely and voluntarily, even though it was not affiliated with any other organization outside of the plant.

THE CHAIRMAN: That is my understanding.

MR. FURLONG: That is right. I understood that.

MR. HAGEY: Possibly we could clear that up by getting a brief outline of the situation in this organization in order to see whether it comes within the definition of a company union or whether it is a free association.

THE WITNESS: I would like to bring out the point and ask the question, on whose authority would it be established what constituted a company union, or otherwise, a company union as referred to by other leaders of labour organization. That is something which has left us very much concerned, as to who is going to establish what constitutes a company union.

THE CHAIRMAN: That has been giving me some mental trouble since the question has come up, but I would imagine it could shortly be established where the employees have voluntarily and without any interference on the part of management got together, elected their representatives to sit around and talk it over. Surely those men know whether or not they have been intimidated.

I do not think, from a practical point of view, there should be a great deal of difficulty in determining that. In a court of law there would certainly have to be evidence that the company did intimidate in some way or other a certain bunch of men and in that case if it is the will of the Committee or the legislation is drafted along that line there should not be trouble in determining whether or not management has interfered with improper practices in the establishment and the conduct and the running of the company union.

MR. FURLONG: There would be an interpretation clause interpreting the word "company".

THE WITNESS: It may be unfortunate, and it may be misconstrued, but, nevertheless, since the subject of compulsory collective bargaining first received publicity last year there has been indication that plans of employee representation generally speaking were on precarious ground.

THE CHAIRMAN: I was very much pleased, and I think all the members of the Committee were, when Mr. Mosher made that point clear—also Mr. Conroy—that there was not any objection to free association of employees in plants, whether or not they were associated with any other labour organization, provided there was a free association of the people in the plant free from any control or domination of management. Then these organizations had no objection to that union.

THE WITNESS: To go a little further than that, while we try to confine our discussion to our own situation we do feel in the principle as outlined, which is a democratic principle, it should be left to the employees concerned in these company unions to decide whether they are or whether they are not being intimidated, and the fact the government would see fit to pass a Bill making compulsory collective bargaining effective would thereby recognize fully the representatives of an employee body as a means of negotiation.

MR. NEWLANDS: Q. If there is a vote taken in your plant and you decide you are going to have a shop union there is no outside interference at all; it is up to yourself?

A. There is definitely an indication that pressure is being brought to bear to eliminate company unions. I think probably we are agreed upon that.

THE CHAIRMAN: That is what pleases me so much. Mr. Mosher and those men were not pressing for that.

THE WITNESS: We feel that, by setting up this legislation, compulsory collective bargaining, the plan of employee representation or company union, which may in the past have been intimidated or influenced by company policy or power, would automatically disappear. The good sense of the employees of that company, by the mere fact of having what they call the new freedom of association, would take advantage to go into something that would adequately protect them. The point about which we are concerned is the aspect of coercion, to say "This cannot exist".

MR. HABEL: Q. Your claim is that those unions would become more independent?

A. Compulsory collective bargaining is undoubtedly going to strengthen any labour organization, whether it is a company union or anything else. And, if it is a company union which is not functioning to the interests of the employees those employees will have sufficient intelligence to decide to go into something else without being forced into it.

Q. That is quite so. That is correct.

MR. FURLONG: I think, Mr. Mitchell, you should proceed and tell us a little more about your organization.

THE CHAIRMAN: Pardon me, Mr. Furlong, but Mr. Lang rose to his feet a moment ago.

Mr. Lang, have you anything to say?

MR. LANG: I had not intended to make any submission, but I would like to say to the Committee I have been looking at my notes in connection with what Mr. Mosher said yesterday. He used the word "interference" which you just now used. I think it is largely a question as to what he meant by "interference."

I can see the point Mr. Mitchell is making that it might be a questionable thing whether what has happened with his organization might be regarded as some interference by the company by reason of the fact that at the outset of the organization apparently it came about by a meeting between the officials and representatives of the employees, but the words used by Mr. Mosher were "interference with workers in regard to their organizations."

That is the only point I can make.

THE CHAIRMAN: Thank you.

MR. FURLONG: Q. Mr. Mitchell, with regard to your organization, how was it formed; by the joint effort of both the company and the employees?



A. Absolutely.

Q. Is it now carried on in that same way?

A. That is right. Ours was a joint enterprise.

Q. What authority does the company exercise over it?

THE CHAIRMAN: Over what? Over the union?

MR. FURLONG: Yes.

THE WITNESS: Well, this is one of the points which has caused concern. I might read the company management undertaking.

MR. FURLONG: Q. Yes; anything you desire.

MR. MACKAY: Q. Mr. Mitchell, before you go on, may I ask you a question? Among your officers of your particular group of employees are there any foremen or officers connected with the front office whatsoever?

A. Absolutely not. We have a delegation here. For instance I am a cable splicer. This gentleman here (indicating) is a field engineer.

Q. I mean of your organization as it is constructed, in your work? There is no person connected with the front office whatsoever who is one of your officers in any way?

A. Representing the employees?

Q. Yes.

A. Absolutely not.

Q. They do not sit in at your meetings?

A. The procedure is very clear and very definite. We have a very large organization due to the geographical position of the company. As far as our joint conferences are concerned, that is the only time when our management appears. That is when we are prepared to sit down and discuss the various problems or grievances, or requests, which are coming up.

I may say this is the plan of Employee Representation, as mentioned in the memorandum which was revised in 1939. On the committee which was set up to develop this Plan of Employee Representation the Employee representatives were by far the majority in number on that committee.

THE CHAIRMAN: Q. The employee representatives outnumbered the management representatives?

A. I believe eleven to three.

MR. FURLONG: Q. How many members have you in your organization?

A. The Bell Telephone Company of Canada is divided into two areas, namely, the eastern area, which is principally Quebec, and the western area, which is principally Ontario.

THE CHAIRMAN: Q. What about the Maritimes?

A. The Maritimes do not come under our organization. Only in association with other companies, on the Trans-Canada lines, but that is only a co-operative effort between governments and companies, as I understand it, to establish Trans-Canada communication.

MR. FURLONG: Q. How many members are on your committee?

A. The total number of representatives for the western area is forty-five.

MR. HAGEY: Q. How are they elected?

A. According to established voting units, established by officers of the employee committees, the current employee committees. This method of election was established within the plant.

MR. OLIVER: Q. What is the total membership of your organization?

A. Of the representatives?

Q. Of the employees?

A. Approximately 5,000.

THE CHAIRMAN: Q. How many?

A. Five thousand approximately. I might start at the first and read the purpose of our Plan of Employee Representation:

"This Plant Department Plan of Employee Representation is designed and adopted to provide regular channels for discussion between Management and the Employees through their duly elected Representatives on all matters pertaining to Employee-Management Relations, and in particular to provide opportunities for discussions in order:

- (a) To assure that the Employees' viewpoint is presented and given consideration by Management before any changes to wages or working conditions become effective.
- (b) To provide additional opportunities for the interchange of views on policies and operations."

Relative to the obligation of the management under this plan, the first falls under the heading "Management Guarantees."

"Management Guarantees.

- (a) That Employee Representatives shall not be discriminated against during and subsequent to their term of office on account of any action taken in the performance of their duties as outlined in the Plan, and that no action by any Employee Representative as such shall prejudice his standing as an employee of the Company.
- (b) That any Employee having special knowledge of, or personally interested in any matter, who may be called upon to assist the Employees Representatives in their duties, shall have the same protection as an Employee Representative.
- (c) That any Employee who requests action by an Employee Representative on his own behalf or on behalf of a group of employees shall not be discriminated against for such action.
- (d) That any Employee or Employee Representative who feels that he has been discriminated against on account of any action taken under the plan shall have the right to appeal through the lines of organization of the Company to the President of the Company."

Then dealing with management undertakings.

"Management undertakes:

- (a) To give as long a period of notice as circumstances will permit to the Chairman and the Secretary of the Committee of Employee Representatives concerned before any proposed changes to wages or working conditions become effective. Where any change will adversely affect any group of Employees, this notice shall not be less than thirty (30) days.
- (b) To accept as the general employee viewpoint, unless stated as being the opinions of individuals, the opinions expressed by the elected Representatives on all matters of a general nature affecting the conditions of a group of employees.
- (c) To hold all meetings of Committees provided for in the Plan on Company time and to grant Employee Representatives reasonable time from their regular work to perform their duties as Representatives. All such time shall be paid for on the same basis as when these Employees are performing their normal duties.
- (d) To provide the necessary facilities and bear all proper expenses for the successful operation of the Plan.
- (e) To furnish to any Committee provided for in the Plan information deemed necessary for consideration of the subject.
- (f) To notify the members of any Committee, through the lines of the Company organization, of the time and place at which meetings are to be held."

I might qualify that and say the chairman of the committee discusses with his



respective level of management with which he may be dealing as to the convenient date. We have our District, Division and Area levels. We have three levels.

- (g) To include in the responsibilities of Supervisory Employees that they shall give consideration to any matter referred to them by an Employee Representative, also to respect a request from an Employee Representative for confidential treatment on matters relating to any particular individual.
- (h) To notify the Representatives of the Voting Units concerned, when practicable in advance, of any action by Management which results in dismissal, disciplinary action, transfer, reclassification or promotion of an Employee.
- (i) To notify the Chairman and Secretary of the Committee of Employee Representatives, in advance, of any action by Management which would affect the status of an Employee Representative.
- (j) To allow thirty (30) days' grace to arrange for the completion of any matters pending under the Plan to an Employee Representative who remains within the employ of the Company but whose status is changed so that he becomes ineligible to represent his Voting Unit.
- (k) To have the Employees' Representative present to assist in the collection of all data pertaining to a serious accident. If the Employees' Representative cannot get to the scene immediately following the accident, another Representative or, if none is available, another Employee will accompany Management.
- (l) To avoid interference by Supervisory Employees with the selection of Employee Representatives under the Plan.
- (m) To arrange promptly for a Special Joint Committee to investigate when, in the opinion of a majority of a Committee of Employee Representatives or of Management, there may have been a failure to comply with the provisions of the Plan."

MR. MACKAY: Q. Do you mean the employer's representatives are sitting on the committee, or are they going to bargain with you?

A. That is in relation to election. We have our annual elections and that is to avoid any supervisor coming along to an employee and interfering. As far as we are concerned, it is a very serious item and we have protection outlined in these clauses.

Q. You are continually referring throughout your reading of the by-laws, or whatever you call them, as I hear you, to "Employer" representatives.

A. "Employee" representatives.

Q. We are getting the word "Employer" over here.

A. "Employee."

THE CHAIRMAN: I thought Mr. Oliver misunderstood because he thought the way you were describing it Mr. Mosher would violently object to it as a company union. I could not agree with him, but I think he agrees with me now that it occurred simply because of the acoustics of this room.

THE WITNESS: There is another clause with reference to appeals. This is in relation to our regular organization. Items may occur that need immediate attention. Providing for that they have included an appeal clause:

"Appeals:

When, in the opinion of a Representative or Committee of Employee Representatives, the progress or disposition of any item is not satisfactory, and the normal reference through Joint Conference Committees is not adequate or suitable, such Representative or Committee has the right to appeal through the lines of the Company organization.

When appeals are carried forward through the lines of the Company organization to the Senior Management official of a District or higher Administrative Unit, the arrangements with Management to hear the appeal shall be made through the Chairmen of the Committees of Employee Representatives of the respective levels concerned. When appeals are carried above the area level, the arrangements with Management to hear the appeal shall be made by the Chairman of the Area Committee of Employee Representatives concerned after consulting with the Chairman of the other Area Committee of Employee Representatives."

That is in reference to our two Areas.

Q. Do you have many appeals?

A. We do not have very many appeals.

MR. ANDERSON: Q. Have you had any strikes in recent years?

A. Pardon?

Q. Have you had any strikes?

A. I do not believe there have been any strikes since this organization was formed.

Q. You are under the opinion that you have a collective bargaining system now?

A. We believe we have one of the highest and efficient types of collective bargaining.

THE CHAIRMAN: Q. And that is because both sides act in good faith and want to get along?

A. The success of any plan like this is sincerity of purpose and a mutual understanding and consideration of welfare of all concerned.

MR. HAGEY: Q. Are any dues paid?

No. We pay no dues. That is another angle which has us concerned as to whether we are considered as being financially supported by the company.

I understand those who are considered to be financially supported are organizations in which the representatives may be chosen by management and be given compensation in lieu of their pay for their activities. I act irrespective of whether I am here or out splicing cable. It does not affect our wages. We do not pay dues.

THE CHAIRMAN: You are paid by the company for the time you are here?

A. Yes; at the same rate as if I were splicing a cable outside of the door of this building.

MR. FURLONG: Q. But the company does not otherwise finance the organization?

A. They provide the committee room and pay our travelling expenses.

Q. This is in effect, this constitution is in effect, an agreement between the committee of the employees and the company?

A. That is right.

Q. Is it signed by the company? That is, is your bargaining agreement signed by the company?

A. The people who developed the plan have signed their names. Their names are signed on the front.

Q. It is signed by representatives of your employees and representatives of the company?

A. It is not signed by the representatives of employees. This committee which established this plan sat in joint discussion and it was mutually agreed that this would be an agreeable plan both to management and to the employees by the committee. It was submitted to the higher levels of their management whether or not they would approve it. They are the people who signed it.

Q. In the beginning of this plan there appear a number of names. Some of those names are the names of representatives of the employer and others representatives of employees?

A. That is right.

Q. Were those who signed this chosen by the employees by ballot?

A. Yes.

Q. And without any interference on the part of the company?



A. No interference whatsoever.

Q. Then, this is in effect a collective bargaining agreement?

MR. HABEL: That is what it is.

THE WITNESS: Employee representatives submitted questionnaires to the employees in the field to find if they wished to continue under this plan and whether they wanted another organization or whether they wished to go into a union, and the returns from the questionnaires indicated that 90 per cent of the employees desired to continue under this plan.

MR. GARDHOUSE: Who did you say paid your travelling expenses?

A. The company. The company look on this thing with a commendable attitude. I am not trying to boost our management, but they feel it is an integral part of the conduct of their business. They have good, sound employee-employer relations. Therefore, they are prepared to co-operate and see that all the various grievances and items which might impede the character and the industry of their business are avoided. They are very anxious to avoid that.

THE CHAIRMAN: Q. I suppose the company pay the representatives of management their travelling expenses and pay their salaries?

A. Absolutely.

Q. So it should be fifty-fifty?

A. After all, we are employee representatives and other people with whom we deal are management representatives. The finances of that organization come from some person up above them.

THE CHAIRMAN: No; they come from us, the telephone users.

THE WITNESS: However, it is aside from that.

MR. MACKAY: Q. Is there any insurance or financial benefit coming from your organization in any way set up by the company?

A. No, but I will be very glad to cite some other things which through this plan we have been able to accomplish along the lines of benefits.

Q. Dealing with these benefits you are going to receive suppose your organization came under the name of a shop union instead of a company union, these benefits which you are going to receive would still be maintained in the new organization anyway? Is that not so?

A. I could not answer that question. I do not know whether or not they would.

MR. FURLONG: Q. What would happen if you had a grievance which was not settled?

A. Which was not settled?

Q. Is there any clause providing for arbitration in that scheme?

A. There is nothing beyond appealing to the president of our company, but in the twenty-three years' history of this plan we have only had, I believe—and this is as close as I can estimate—two cases in which it was necessary to appeal to the president. That was in connection with a particular individual.

Q. In other words, the president of the company is the final court which decides the rights of labour under that scheme?

A. That is right.

Q. I am afraid that would not go so well with Mr. Mosher.

THE CHAIRMAN: With only two appeals in twenty-three years I do not suppose there would be a lot of objection.

MR. HABEL: The employees are satisfied with it; that is the thing.

MR. FURLONG: Q. You have chosen your committee of your own free choice by ballot, and that is the committee which will have to negotiate that agreement with the management?

A. That is right. Eleven employee representatives sat on the committee with three of the management in its development.

THE CHAIRMAN: Q. It was agreeable to both sides?

A. It was a mutual agreement, an absolutely satisfactory plan as far as those people were concerned when it was submitted to the higher-ups.

Q. It is wonderful what a bunch of Canadians can do when they sit down and commune and figure things out in a general way.

A. It would be very interesting for you to sit in, I think.

MR. HAGEY: Q. Suppose at some future time a group of your employees became dissatisfied with that scheme, or associated or affiliated with some other organization and the majority of the employees were in favour of the new set-up, what would be the position then of the management?

A. I cannot say. I would be going a long way if I assumed I could speak for the management.

Q. But what is your opinion?

A. My opinion is that our company and our management will not interfere with respect to an organization of their employees.

Q. In other words, the majority of the employees would determine who would be the bargaining agency with the management?

A. That is right. At the time this thing was developed, as I stated before, a questionnaire was submitted to each individual employee in the Plant Department of the Bell Telephone Company.

THE CHAIRMAN: Q. Who submitted it?

A. The Senior Committee. It asked for suggestions or if they were satisfied or wanted another form of organization. Undoubtedly if the returns had indicated that at that time they were dissatisfied with the Plan of Employee Representation it would have come out.

Q. Is there any clause in that constitution which terminates or ends it in term of life?

A. A five-year period.

Q. What do you do at the end of that period?

A. It is in our constitution. This is the language:

"Duration.

The Plan shall remain in effect until October 31, 1944, unless sooner terminated by the Employees through the General Committee of Employee Representatives or by Management. The General Committee of Employee Representatives or Management shall give ninety (90) days' notice in writing to the other of their intention to terminate the Plan.

Six months prior to November, 1944, a General Joint Conference Committee meeting shall be called to review the Plan and to give consideration to modifications and to renewal."

EXHIBIT NO. 23: Plan of Employee Representation, Plant Department, The Bell Telephone Company of Canada.

MR. FURLONG: How would that conference committee be appointed? Of what members would they be composed? Are they composed of representatives of the employees, only, or both?

A. This is for the western area. The eastern area is comparable to ours. These are district committees. The chairman of each district committee meets on a division. These people here are selected from the three division committees to an area committee. A general area committee joint conference would be composed of these six employee representatives and a comparable number from the eastern area, the general plant manager of the western area and the general plant manager of the eastern area. That composes it generally.

Q. So you have a representative body of your employees and a representative body of the employer for the purpose of really negotiating a new agreement or changing it?

A. To deal with the plan, if they feel like terminating it, to review the plan to give consideration to modifications or to renewals.



Q. That is what they do in most cases.

MR. GARDHOUSE: With the constitution submitted here to-day there would not be much danger of any trouble like what Mr. Hagey suggests.

EXHIBIT No. 24: Plan.

MR. HAGEY: I will go a step further in respect of that.

Q. Suppose we come to the point where the majority of the employees are not in agreement with that and under the terms of your agreement it can be done away with, or that the management says to you, "We are not going to deal with this new group," where would you stand then?

A. This is where we are anticipating the good to come out of compulsory collective bargaining.

Q. Then, it will give you more than you have at the present time?

A. Yes. We are not quarrelling with the principle of compulsory collective bargaining at all.

THE CHAIRMAN: You are getting along in a spirit of good will, and you do not wish to be outlawed?

A. We wish to try to protect an agreement which has been in existence for twenty-three years, and I do not believe there is any other organization which can point a finger at it.

I have submitted a list of major items, and I say "major items" because there have been many minor ones attended to. It makes a very imposing list, relevant to wages and so on.

MR. FURLONG: Q. You have already bargained collectively, and you have a collective bargaining agreement, so I do not see any reason why you would be opposed to collective bargaining?

A. We commended to the Hon. Mr. Heenan the plan of tabling something along our line of collective bargaining.

Q. The company provides room for the meetings and the company pays wages when you are either working for the company or are on committee business?

A. That is right.

Q. That is, on employee grievances, committees, or any other business?

A. That is one of the terms of the agreement.

Q. And do they pay anything else?

A. Absolutely nothing else.

MR. HAGEY: Q. You get nothing for your services as an official or as an officer of the organization?

A. No. We could have an employee of our lower wage section as a representative. He might be getting \$23 a week, but, if he had two years' service with the company, he could be an employee representative. That would be all the remuneration he would get for his services.

MR. FURLONG: I know of lots of cases in which they have unions as bargaining agents and in which they pay their wages while they are on committee business.

THE CHAIRMAN: The company.

MR. FURLONG: The employee comes along and says "I think I should be paid to-day." It is a question of whether or not he is paid, but I know of cases in which they are.

THE CHAIRMAN: They are not like this Committee.

MR. FURLONG: Probably this Committee had better join a union.

THE WITNESS: We have something else in connection with this.

THE CHAIRMAN: Are there any other questions any member of the Committee would like to ask Mr. Mitchell?

Mr. Brewin, have you any questions?

MR. BREWIN: None, thank you.

MR. FURLONG: I understand Mr. Mitchell has something further to say.

THE CHAIRMAN: I am sorry.

THE WITNESS: We have another feature associated with our plan which is very important. To our Plan of Employee Representation we have developed a set of working practices, governing almost all conditions, working conditions, in our Plant Department.

These working practices were developed primarily as a guide from management to lower management in the conduct of relations with employees. I believe in 1937, through the efforts of the employee committee they were made available to all employees. In 1940 a revised set of working practices were issued to employee representatives and employee committees for them to study and see if they were satisfactory. There were many changes suggested by the employees relative to certain practices as submitted. A great number of them, on the instigation of the employee representatives, were changed to their satisfaction.

We do feel that any plan of employee representation outside of our own, or where one may be operating, with a set of working practices like this type it would be found very instrumental in assisting in carrying on good, sound employee and employer relations.

THE CHAIRMAN: Q. Have you a copy which you would not object to filing here?

A. No. We have no objection to filing them.

Q. If you have an extra copy it would be nice to have it on file as an exhibit.

A. Very well.

EXHIBIT No. 25: Set of Working Practices governing working conditions of Plant Department, The Bell Telephone Company of Canada.

MR. FURLONG: It is in the order in which it is to be filed, and I do not think it should be incorporated or printed in the record.

THE CHAIRMAN: No; it is pretty voluminous. We can have it filed without having it copied into the record.

THE WITNESS: We have another item of which we are fairly proud. It has been developed and established through employer and employee negotiations. I speak of a plan covering employees' pensions, disability benefits and death benefits.

MR. MACKAY: Q. Does the front office pay part of that and you pay part out of your salary?

A. No. The conditions were originally submitted by management. Many of the revisions and changes have been instigated and have been due to the activities of employee representatives, on their suggestions and arguments.

THE CHAIRMAN: Will you file that?

A. Yes.

EXHIBIT No. 26: Plan, Employees' Pensions, Disability Benefits and Death Benefits, The Bell Telephone Company of Canada.

THE WITNESS: Well, gentlemen, I do not believe there is much further we can add. I hope we have indicated that we have a sound organization which has been effective and which has worked very favourably in the interests of employees throughout its history.

We would certainly like to see some provision made in a compulsory collective bargaining plan of this type which might continue as a means of negotiation between employees and management depending on the desire of the employee bodies.

MR. FURLONG: In other words, briefly, your position is that you are not opposed to compulsory collective bargaining but you do not want any provision in any Act which would jeopardize your present organization?



A. That is right.

Q. Is there anything further, Mr. Mitchell, you would like to present?

A. There is nothing further which I have prepared. However, I would be very glad to answer any questions anyone might care to ask to the best of my knowledge.

MR. BREWIN: My friend, Mr. Laskin, has mentioned this point. It might be of some interest. I do not know whether Mr. Mitchell can answer it. Is the Bell Telephone Company not a public utility? As a matter of interest I was wondering if the Bell Telephone Company, a public utility I imagine incorporated under the laws of the Dominion of Canada, under special statute, would be subject to any Ontario legislation in regard to collective bargaining?

THE WITNESS: I would not like to say definitely, because I am not prepared to make a definite statement, but our understanding is that our wages and working conditions, and hours of work and things like that, are dependent upon the laws of the country.

MR. FURLONG: There is a possibility of that playing a part in it. There is a possibility of an Ontario Act affecting it if the company has played a part in the control or the formation of the union. Then there is also the point as to whether or not you are solely a provincial organization.

MR. GARDHOUSE: Would they not be more or less in the same category or of the same status as the Canadian National Railway men?

THE WITNESS: No. There are two areas: One is Ontario and the other is Quebec. That is an unfortunate feature in respect of this proposed compulsory collective bargaining. We fear if by reason of legislation our plan of employee representation was eliminated in Ontario it would affect the plan in respect of employees in Quebec.

MR. FURLONG: We will consider that point when the time comes to consider it.

HON. MR. HEENAN: With reference to the pension plan, can the company stop paying into it at any time they wish?

THE CHAIRMAN: Not unless they violated the agreement, I think.

THE WITNESS: This is something which has been in effect since 1917, I believe. They go so far in their provisions, I believe, as to guarantee pensions, regular, steady pensions to all employees who are on pension, those who are in the employ of the company, but they do reserve the right to terminate this plan at a later date. Obviously, if the plan has been solely financed by them, it would be hard to make any other stipulation. However, the indication has been through the years that we have no reason to fear they will terminate it. It is one of the features which has assisted in maintaining and developing good, sound employer and employee relations.

HON. MR. HEENAN: The point I wished to bring out was: It would be a great inducement for the men to give continuous service for a great number of years. Men are looking forward to becoming sixty-five years of age, at which time they get their pension, but it is possible that the railroad company or the telephone company at that point, when a man is getting around sixty-two years of age, would dismiss him so they would not need to carry it on any further.

THE WITNESS: There are three classifications of pensioners in there. A man may have fifteen years' service and go on a disability pension.

THE CHAIRMAN: It all dwindles down to the good intentions of both parties. They contact each other on a friendly basis, they trust each other, and, for the benefit of both sides, they go ahead in a spirit of fair play and partnership and work out matters to the benefit of both.

MR. FURLONG: Anybody can break anything they wish.

THE CHAIRMAN: Surely.

MR. BREWIN: Perhaps Mr. Mitchell can tell us how they are incorporated or whether they are under Dominion Statute or whether they are under a special public utilities Act.

MR. FURLONG: I believe there is some exception, but how far it goes with regard to a local union I am not prepared to say.

MR. BREWIN: Q. You are not incorporated at all?

A. No.

MR. BREWIN: I am referring to the Bell Telephone Company. Provincial legislation may not be competent to deal with the relations between the employers and employees in a public utility incorporated and controlled by the Dominion authorities.

MR. NEWLAND: I do not think Mr. Mitchell could answer that question.

MR. FURLONG: No.

MR. FINKELMAN: The Bell Telephone Company is incorporated under a Dominion Act. At one time, I believe some doubt arose as to their right to operate on the streets of municipalities in Ontario. They obtained a special Ontario Bill. One municipality forbade them to break up the city streets, and Bell Telephone Company claimed that it had the right to operate on the streets by virtue of its Dominion charter, and that provincial legislation was invalid. The courts held at that time that in so far as the company was concerned it was incorporated under Dominion laws. I believe, although I am not sure, it was subject to valid provincial legislation.

A. We have asked that question of our management and they have come back after contacting their legal department and said that it would be about a fifty-fifty proposition as to the jurisdiction. Some of it is in Ontario. In

respect of rates, and things like that they are subject to the Railroad Board's decision.

THE CHAIRMAN: And probably under, in respect of civil rights, provincial jurisdiction.

THE WITNESS: Yes.

THE CHAIRMAN: Which is a good thing for the lawyers. We cannot settle that here to-day.

MR. FURLONG: Q. Is that all?

A. That is all.

Q. Have you any other witnesses you would like to call?

A. No.

MR. FURLONG: Mr. Chairman, that is all I have for this morning.

THE CHAIRMAN: Mr. Mitchell, we want to thank you. You have enlightened us to a very great extent in respect of another angle of this question. You have been very careful about it.

THE WITNESS: Just before I leave, Mr. Chairman, I submitted a list of changes to wages and working conditions when I came in here this morning, and I wonder if it would be in order for me to read it to the Committee?

MR. FURLONG: That has to do with the different things you have solved with your company?

A. The point I want to bring out would indicate that we do not operate as a fraternal association. We achieve things in respect of working conditions.

THE CHAIRMAN: By negotiation.

I think it should be copied into the record.

THE WITNESS: Thank you.

Submitted by Mr. Mitchell:

"CHANGES TO WAGES AND WORKING CONDITIONS, 1934-1942.

1934.

Hours for District Office Clerical Forces changed from  $7\frac{1}{2}$  to 7 per day.

When the Company requires employees to work seven or more consecutive days, overtime to be paid for seventh day.

1935.

Vacations of two weeks require five years of service instead of ten.



Male overtime employees of ten or more years' service granted payment for first seven days of absence in S.D.B. cases.

Overtime unlocated employees granted payment of overtime at Schedule "B" rates.

Overtime unlocated employees increased \$2.00 per week by decreasing the Board and Lodging deduction from \$8.50 to \$6.50 per week.

Tools used by telephone crafts to be supplied by Company; other crafts to furnish their own tools; special tools to be supplied by Company.

Vimy Pilgrimage granted.

Heaters and defrosters placed in trucks.

1936.

Hours of work for Line Chauffeurs reduced from 50 to 44 hours per week in Montreal and Toronto; 54 to 48 in five other cities, and from 56 to 50 in Zones No. 3, No. 4 and No. 5 towns, resulting in higher basic rates for the computation of overtime.

Unlocated employees paid at Zone No. 3, (Schedule "B") rates when located, instead of Zones No. 4 or No. 5 rates when in those localities.

Garage group in Montreal reduced from 60 to 50 hour working week. Rate per week reduced \$1.00.

All groups working 50 hours per week reduced to 48 per week.

Evening and night differentials and Sunday premium time introduced.

1937.

Time worked after 1.00 p.m. Saturday granted as overtime.

Female overtime employees of 10 or more years' service granted payment for first seven days of absence in S.D.B. cases.

Hours for Windsor changed from 48 to 44 per week.

Crafts other than telephone crafts granted 44-hour week in Montreal, Toronto and Windsor.

General upward revision of Telephone Craft Wage Schedules.

Senior Telephone Craft rate established at \$4.00 per week above maximum rate for class. Senior Station and P.B.X. Repairman titles authorized.

Class No. 4 Schedule introduced for Splicers' Helpers engaged after June 1st, 1937.

Overtime unlocated employees increased \$1.00 per week by reducing Board and Lodging deduction from \$6.50 to \$5.50 per week.

Sudbury, Peterborough, Montreal, Toronto, Hamilton, Ottawa, Quebec and London placed in higher wage zones.

Clerical Wage Schedule introduced.

All clerical forces placed on 39-hour week.

Plan of Employee Representation translated into French.

1938.

General changes to Working Practices, including:

Travelling time paid at Schedule "B" rate for overtime unlocated employees.

Unlocated employee temporarily living at home paid on the basis of the board and lodging differential instead of the estimated value of board in that locality.

Seven days' notice required before an employee may be assigned to a newly established trick, or payment of overtime in lieu of such notice.

Return to work of one day or less does not break continuity of sickness.

Class of Regular Labourers established. Formerly these employees were always "Temporary Weekly."

Class of Wire Chief established, with monetary differential above Combinationman's rate.

Safety Code issued in French.

Leave with pay for training in Naval, Military and Air Service granted.

Vacation practice changed to give one week after one year of service; two weeks after two years, four weeks after forty years.

1939.

Wage Guide for Buildings, Vehicles and Supplies forces put into effect.

Representatives supplied with copies of Working Practices.

Representatives supplied with copies of Wage Schedules.

Vacation practice changed to two weeks after one year of service (or three weeks in December, January, February or March), three weeks after 21 years; four weeks after 35 years.

Departmental sickness payments made applicable to all overtime employees from the third day of absence.

Bonus of \$1.50 per week, or \$6.50 per month, for Telephone Craftsmen located in Sudbury, May 1st, 1939.

Class No. 2 Schedules added to Unlocated Wage Schedules for Station Conversion work only.

Employees (with dependents) in the service prior to September 1st, 1939, and on leave of absence for military service, granted an allowance not exceeding half pay. Employees without dependents granted leave of absence. Leave includes eligibility to death benefits, an undertaking to re-employ, and credit for period of service.

#### 1940.

Belleville, Brantford, Chatham, Cornwall, Galt, Guelph, Kingston, Sherbrooke and Trois-Rivieres changed from Zone No. 4 to Zone No. 3.

Burlington, Drummondville, Levis, Oakville, St. Hyacinthe and Simcoe changed from Zone No. 5 to Zone No. 4.

Time worked on holiday paid at Schedule "B" rate.

Port Credit, Scarboro and Longueuil changed from Zone No. 5 to Zone No. 3.

L'Abord-a-Plouffe and Pointe Claire changed from Zone No. 5 to Zone No. 4.

Time at work divided into sessions and sickness absence paid by full-session periods.

Unlocated employees granted a trip home once each year at vacation.

Accident and Sickness Disability Benefit scale raised, effective January 1st, 1940, for employees having 15 years of service and over.

The first two six-month groups of the Elevator Operators' Wage Guide condensed into one group at 12 months, and the rate for this group increased by \$1.50 per week over former Group No. 1, and by 50c. over former Group No. 2.

Employees permitted to assign portion of wages to buy War Savings Certificates by instalments.

#### 1941.

Unlocated Wage Schedules cancelled and all employees placed either on a located basis, with fixed headquarters or in General Area Group with Zone No. 5 rate, and board and lodging provided. Increase in wage for unattached forces ranging from \$2.00 to \$3.50 per week.

Trip home every two weeks provided for all employees working outside their headquarters. Similar treatment provided for General Area Group. All such travelling to be done on employees' time.



General Area Group may move their homes from a higher to a lower zoned locality at Company's expense, any time up to nine months after transfer.

General upward revision of Wage Schedules and Wage Guides.

All employees who voluntarily enlist in the Canadian Active Service Forces and who, at the date of enlistment, have to their credit one or more years of service, granted two weeks' pay in addition to any vacation allowance to which they may be entitled.

Introduction of a Cost of Living Bonus, in accordance with P.C. 7440.

1942.

Introduction of Salary Deduction Plan to permit employees to purchase Victory Bonds by instalments.

At least seven days' notice shall be given employees who are changed from any scheduled tour of duty to another. Previously this applied only in cases of transfer from a day trick to an evening or night trick.

Unattached employees who are laid off, resign, enlist or who are dismissed for inefficient work granted a meal allowance of 75 cents if the travelling time from the job to their homes embraces meal time.

Employees who voluntarily enlist in the Canadian Active Service Forces, employees who are called for duty (other than attendance at a training camp) under the Militia Act, and employees who are called out for training, service or duty, under the National Resources Mobilization Act, 1940, with service credits of six months or more, but less than two years, granted Leave of Absence (without Death Benefits) with credit for period of absence.

Working practices for regular and temporary full-time employees approved for regular and temporary part-time employees scheduled to work 30 hours per week or more. This change extends to these employees vacations with pay, statutory holidays with pay, and payment during first seven days' sickness absence, etc.

Alternate five and six day work weeks approved for evening C.O. employees similar to that previously in effect for night employees.

Adoption of employee suggestion—"When employee is travelling on his own time and transportation is provided by the Company, such travelling time shall be considered to be in the course of employment for Accident Benefit Purposes."

Upward revision of tentative Wage Guide for female C.O. Routiners.

Extension of sickness policy—"no loss of time for employees with 10 years service and over."

THE CHAIRMAN: Is there anything else?

MR. FURLONG: That is all this morning, Mr. Chairman. We have the United Electrical Radio and Machine Workers of America to be heard this afternoon.

MR. NEWLANDS: Is that the Otis of Hamilton?

MR. FURLONG: The United Electrical Radio and Machine Workers of America, Toronto, sir.

THE CHAIRMAN: If there is nothing further this Committee stands adjourned until 2 o'clock p.m.

Whereupon, on the direction of the Chairman, the Committee adjourned at 12.30 p.m. until 2 p.m.

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## AFTERNOON SESSION

THURSDAY, MARCH 4, 1943

On resuming at 2 p.m.

MR. FURLONG: I overlooked this morning depositing these cards. There are about fourteen of them here, signed by a number of the Canadian Seamen's Union. They read as follows:

"I, a citizen of Ontario, urge you to introduce and adopt a genuine collective bargaining Bill in the present session of the Legislature as you publicly pledged to do. Your assurance of adopting such legislation was welcomed and greeted by all who desire labour-management co-operation and national unity to win this war.

It is apparent that small but powerful selfish groups have loosed a reckless campaign to prevent the enactment of the legislation you promised to enact. Your Government must not capitulate to that reactionary pressure.

I urge you to proceed along the lines which you followed up to a few days before the opening of the present session. In doing so you will have the wholehearted support of all workers and of all right-thinking people in Ontario who want unity, and all-out effort, and a democratic labour policy in accord with the modest wishes of organized labour."

MR. MACKAY: Are they all the same?

MR. FURLONG: They are all the same. The first one seems to be signed by a man of the name of Pat. Sullivan.

EXHIBIT NO. 27: Fourteen postcards signed by members of the Canadian Seamen's Union.

MR. FURLONG: The United Electrical Radio and Machine Workers of America are now to be heard—Mr. C. S. Jackson.

REPRESENTATIONS OF UNITED ELECTRICAL, RADIO AND MACHINE WORKERS  
OF AMERICA

C. S. JACKSON, sworn.

WITNESS: I have a few copies of the statement here. There are not enough for every member of the Committee.

MR. FURLONG: Q. Mr. Jackson, the union you belong to, I gather from this letterhead, is affiliated with the Congress of Industrial Organizations and the Canadian Congress of Labour?

A. That is correct.

Q. Where are your headquarters?

A. International headquarters are in New York, and our Canadian headquarters in Toronto.

Q. You are a branch of the American organization?

A. Correct.

Q. Is your charter granted by the American New York organization?

A. It is, yes.

Q. Then you are controlled from New York?

A. It all depends on how you use the term "controlled," Mr. Furlong.

Q. You might tell me what control, if any, they exercise?

A. The reason I put that answer in that way is because of the manner in which the Press has from time to time dealt with this question of the relationship between a Canadian section of an international union and their international body. We are subject to the constitution of that body, and we did participate in drawing up that constitution. However, on all matters of general policy and operation in Canada we have complete autonomy, exercised through a district council made up of the membership of our union in Canada.

Q. I presume your local officers are elected by your local members?

A. That is correct. They are elected by the Canadian membership.

Q. And that you handle your local affairs solely within your own body?

A. Correct.



Q. What office do you hold with that organization?

A. I am International Vice-President, sit on the general executive board of the international union as the representative of the Canadian membership, and elected to that position by the Canadian membership.

Q. You are elected by the Canadian membership?

A. That is correct.

Q. Is that international body made up of other members from the States as well as from Canada?

A. It is. It is made up of three officers—the President, Financial Secretary, and Director of Organization, plus eleven international vice-presidents, each of which are elected by the membership in their particular geographical district. The United States and Canada is divided into eleven geographical areas, Canada being one of those, known as Area No. 5, or District No. 5. I might add that the bulk of the international officers on that executive board are workers employed in plants; they are not full time officers. The executive board, the international vice-presidents, are not full-time officials of the union. They are elected representatives from the rank and file.

Q. You have a statement to make, Mr. Jackson. Will you proceed with it, please?

A. I have a statement here that in part attempts to summarize some of the experiences of our membership in the Province of Ontario, particularly during the last several months. However, before introducing it I would like to say a few words in general.

In the first place, in coming before your Committee to-day we did not bring with us the representatives of our membership from the plants. There are two reasons for this. In the first place, we have had close to five hundred of our stewards from the various plants, some thirty odd plants in Ontario, who have signified their desire to appear before this Committee either in a body or in separate groups from each of their localities. In view of our primary interest in maintaining maximum production we did not feel it was advisable to bring such a large delegation away from the shops at this time. On the other hand, some of these delegates will be appearing before your Committee as parts of delegations on a community scale from some of these localities. I have particular reference to the City of Welland, where I believe a delegation representing the workers of that town, and accompanied by various representatives of the community, have made an application to appear before your Board. I believe the same is true of the City of Hamilton, and possibly of some of the other areas.

MR. MACKAY: Do you think that these deputations coming in as part and parcel of your organization will add anything to what you are going to give us?

A. These other deputations coming in are not only part and parcel of our organization. The delegations are made up of representatives from all the organizations in the areas, and are accompanied in many cases, I believe, by repre-

sentatives of the clergy, of the city councils and other prominent citizens. So they are a more general body than this specific union body. For that reason only myself and Mr. Russell, who is with me here to-day, a member of our staff, have appeared on behalf of our organization, as I said.

There are one or two other remarks I would like to make before I proceed with this document, which have a bearing on the rights of individuals working in plants to-day to petition the Government and this Committee on the question of implementing a collective bargaining Bill. I presume that it is the inalienable right of any citizen of this country at any time to petition his Government on any matter of law or legislation, and that it would be, therefore, an obstruction of the rights of an individual in a democratic country if anyone were to interfere with a citizen carrying out his right of circulating or participating in a petition of this kind. We have instances of this occurring in the last two or three weeks in some of our plants. I would like to mention specifically two instances.

The Atlas Steel Company in Welland, Ontario: One of the employees was circulating a petition, asking for support in his petition for a collective bargaining Bill. He had that petition in his lunch-box in the plant, and had some several names on it, including the name of a foreman. He went to his lunch-box one afternoon about four days ago to get this petition, to get other names who had signified their desire to put their names on the petition, and the petition was missing. He went to the plant policeman. By the time he got back to his lunch-pail the petition was back in his lunch-pail but mutilated. The bottom of the petition was torn off, the part that included, I believe, the name of the foreman. When he tried to have some satisfaction on the question of why anyone should have the right to go into his lunch-pail, the security policeman took the document from him, and to my knowledge the document has not yet been given back to him.

A second instance of a different character: The employees of Small Arms Limited here in New Toronto requested of their management the right to circulate such a petition in the plant. The right was denied on the ground that, because the company was already bargaining collectively with this union, it was of no concern to the employees whether or not a collective bargaining Bill was passed in the Province of Ontario.

I suggest to the Committee here that some public statement of the rights of individuals to participate in such petitions having a bearing on this matter of law should be given to the Press at this time in order to give the individual citizens of this Province protection in their right to so petition their Government.

MR. FURLONG: I think that the powers of the Committee are limited by the resolution of the Legislature, and I do not think this Committee can go outside of those powers, which are to investigate and hear what you are saying.

WITNESS: Do I gather that this Committee has no power as to protecting a witness or protecting an average citizen in his right to petition his Government?

MR. FURLONG: This Committee has not any such power. The only power it has is set out in the resolution of the Legislature, and that is to investigate collective bargaining.

WITNESS: I thought in bringing this to your attention—

MR. FURLONG: You say those men have a collective bargaining agreement?

WITNESS: Yes.

MR. FURLONG: If they have, and they desire to circulate petitions, then they ought to have a clause in their collective bargaining agreement with the company permitting them to do that. It is a question of agreement with their employer, I would think.

WITNESS: A question of agreement in one sense; it is also a question of whether or not an employer in such an instance should have the right to stand in the way of that desire of his employees.

There is another point I think, before I proceed. It is a matter which was not included in this brief which was made up a few days ago. I think, on the basis of having been here the other day and heard some of the questions, that it should have a little explanation. That is, the present method in Canada of having a vote secured in a plant to indicate or decide the bargaining agency.

As matters stand at this time—I do not know the wording of the Act under which it actually applies—any group of employees petitioning for a vote cannot secure that vote except by first having a Government man, either an investigator or conciliator, appear on the scene. That investigator or conciliator has no power to order a vote. His powers are apparently limited only to bringing the two parties together, the management and the employees, and if he can secure agreement on the part of the two parties to the taking of a vote, then a vote may be taken. If, on the other hand, the employer does not choose to have such a vote taken, then no vote can be taken. The conciliator has no such powers. That then requires the organization to apply for a board of conciliation. In order to do so they must take a strike vote, raising in a plant the issue of a strike in order to achieve conciliation, which is the means of avoiding a strike later—an anomalous position, I suggest.

Further, when a commissioner appears on the scene, that commissioner has the power to order a vote, but if the management of the company concerned do not choose to have that vote taken on their premises, there is nothing to my knowledge in the Act that gives the commissioner the power to take such a vote. This means then that it is either no vote, or that a vote be taken outside the plant under extremely difficult conditions, where it is problematical as to how many of the employees would actually have a full opportunity to cast a ballot in such an election. The result is, of course, that very few votes are taken outside. The result nine times out of ten is that if the employer says "No vote," there is no vote. And there is nothing in the law to define how or at what stage a vote should be taken in a plant, as to whether or not a union petition for a vote has to have 35%, 45% or 55% of the membership before such a vote will be given.

There are a number of these questions which I think are important that this Committee have information on, because they are problems that arise in the framing of any collective bargaining Bill. They are the questions of the



mechanics of providing that measure of recognition of the organized expression of a group of employees prior to, and as a part of, determining the right of collective bargaining, or the collective bargaining agency. And these are questions which to-day are very vital, because as a result of this indefinite situation in many plants in Ontario there is to-day extreme tension among the employees, confusion, and a definite diversion from the primary tasks of production, which are the basic concern of all the working people.

These are matters which make it important that there be a collective bargaining bill with full protection and full definition as to when a vote may be taken, how it shall be taken, and what will be provided in the way of protection following the taking of such a vote.

The document that I have presented here to-day is a document which in the main deals, as I stated before, with some of our experiences. It starts off with a general summary of the functions of this Union:

"The United Electrical, Radio and Machine Workers of America, an International Organization affiliated to the Congress of Industrial Organizations in the United States and to the Canadian Congress of Labour in Canada, wishes to present to your Committee some of the experiences which its members have met with in the course of seeking to establish their right to organize and be recognized by their employers.

District Five of this International Union covers the whole of Canada in so far as its jurisdiction is concerned. The present membership of this District is approximately fifteen thousand. Its members are scattered throughout the Province of Ontario in the main and are employed in some thirty vital war industries. The total number of employees to be found in the plants in which this Union is at present conducting organizational work exceeds the sixty thousand mark."

And therefore affects a very vitally important and large section of the industrial war production in this Province.

"This Union is dedicated to the primary task of making maximum contributions to the winning of this war."

And here I might suggest that there is a considerable amount of literature available, if this Committee would wish to scrutinize it at any time, indicating to the full that that is the primary purpose of this Union in this war period. In fact, I think different of the members here present have received in the mail a copy of a policy statement from this Union within the last two weeks.

"We strive to establish the highest degree of Labour-Management co-operation in realizing maximum production in these vital war plants. We have been instrumental in the establishment of Labour-Management Production Committees in several of our plants, to wit: Small Arms, Limited, New Toronto; Coulter Copper and Brass in Toronto; Canadian General Electric plants in Toronto; Otis-Fensom Elevator Company in Hamilton."

MR. NEWLANDS: Have you an agreement with Otis-Fensom now?

A. We have no agreement. When I say we have been instrumental in establishing labour-management production committees, there is quite a history to that. They have such a committee to-day. It gives no virtual recognition to the union, but it arose as the result of continued agitation for such a committee on the part of the Union, and by the Union bringing National Selective Service into the picture in the person of Mr. Chant, and the result was the establishment of a labour-management committee in that plant, modelled in part on the lines suggested by this Union.

"Our Union is committed to a 'no strike' policy for the duration of this war, with a realization of the fact that unscrupulous employers would take advantage of this policy to obstruct the normal course of developments of proper relations between the organized employees and the management.

In making this appeal to your Committee for the implementation of the Collective Bargaining Bill which will protect the fundamental democratic rights of a citizen to choose his own organization and to be guaranteed the right to bargain collectively and arrive at a Collective Bargaining Agreement with his employer, we desire to impress upon your Committee the fact that Labour, having given up its fundamental economic weapon for the securing of justice and equality in bargaining power, should be protected thereto. The measure of that protection should be in terms of a guarantee that, having made its choice as to bargaining agency, Labour to be then guaranteed that the employer will enter into negotiations in good faith with a view to arriving at a Collective Bargaining Agreement.

Our Union in the United States and Canada has a total membership of 525,000 members. It has established contractual relations with close to nine hundred individual companies and plants. Its peace time record of uninterrupted production is exceedingly high, less than 1.8% of the membership having been engaged in any stoppage of work during the period of 1940-1941. During the period of 1942, the percentage of lost time on the part of our membership as a result of stoppages of work has dropped down to less than one per cent.

Over sixty thousand members of our Union are at this date in the armed forces of our two countries, and our membership is moving into the armed forces at the rate of ten to twelve thousand per month. Our ties, therefore, with the armed forces are a major factor in the policies which our International Union carries into effect in our two countries. In both Canada and the United States, our Union is in the forefront in the establishment of Labour-Management Production Committees. To indicate this in its full measure, we point out that out of some sixteen hundred Labour-Management Production Committees reported in operation by the War Production Board of the United States, four to five hundred of these are to be found in plants under agreement with the United Electrical, Radio and Machine Workers of America. Our Union has been the recipient in the United States of numerous awards—Army and Navy 'E's' and 'Stars' and other such production awards as are current in that country. The record is as follows:—18 Navy 'E's', 38 Army-Navy 'E's', 9 Navy Stars, 1 Army-Navy Star, 2 Maritime Commission 'M's'.

The Canadian District of this International Union operates as an autonomous body. Its policies are set by District Council meetings at which the Canadian membership of this Union, through a delegation of authority on the part of the local Unions, discuss and decide upon its policy subject to ratification by the membership in each of the Locals in the District.

The finances of the Organization are met in part by the dues which come from the Canadian members and added to by contributions from the International Office in the United States. The proportion runs as follows: for each \$1.00 contributed by a Canadian member to the organizational fund of this Union in Canada, the International Office provides at least \$3.00. Therefore, the flow of money in regard to this International is strongly from the American side."

We would like to point out that the reverse is true in the case of the major corporations with which this organization is dealing.

MR. MACKAY: Q. What do you mean, the reverse is true?

A. That the flow of funds is in the opposite direction. As, for example, in the General Electric Company where 95 to 97 percent of all income earned by that Company is paid over to the American company, and likewise with other companies.

Q. You mean corporations?

A. Right.

"The staff of this District is 100% Canadian, and its policies as set out above, being the product of the discussion of the Canadian membership are likewise 100% Canadian. The membership of this Union is kept fully informed of the activities of its officers through the medium of monthly financial reports from the International Office to our Local Unions, and through the medium of audited quarterly financial statements to the Canadian membership from their District. The wages of the officers of this International Union are set by constitution so as not to exceed the highest wage paid to production workers in the industry. The Constitution of this International Union and its subsidiary Districts is based upon providing maximum autonomy to its Local groups in the interests of building up democratic responsibility on the part of its members."

I might add that out of each dollar that it has collected sixty cents remains in the local treasury to be administered by the local membership. It is a higher proportion than is evident in many international unions.

"In presenting the following material for your perusal, we are motivated by a desire to show this Committee how the democratic rights of workers in this country are subverted in the interests of selfish motives on the part of many managements, and to further indicate to this Committee the extreme dangers which lie ahead in Canada if no halt is put to the activities of managements now attempting to put over on their workers various subterfuges as mentioned in our brief. We implore you to recognize the



dangers of interruption of production arising out of the many acts of intimidation, discrimination and outright provocation which are prevalent in the war plants of this country."

THE CHAIRMAN: Q. Would you mind expanding on that last sentence?

A. Provocation?

Q. Intimidation, discrimination and outright provocation?

A. Later in the brief you will have that expanded considerably. That is the purpose of the brief, the main body of the brief deals with substantiation of that. The next section of the brief, which I do not think it is necessary to read, is dealing with the statements of various Government officials leading up to the establishment of this Committee.

Reporter's Note: The section of the brief referred to is as follows:

"In this hour of the impending offensive in Europe, the workers, because of their knowledge of the character of the war, and their blood ties with the fighters overseas, are primarily interested in production. Naturally, anything that distracts their attention from this basic concern, such as inadequate wages, uneconomic working hours, discrimination and denial of their democratic rights, acts as a check to production.

During the past two months, Premier Conant, Mr. Heenan, the Minister of Labour, Mr. Hepburn and other government officials have announced to numerous workers' meetings their intention of introducing a collective bargaining Bill and thus eliminating the basic cause of the disruption of production in Ontario's war plants, and giving labour something in return for its sacrifice of the strike weapon, which, in the main, it has voluntarily given up."

WITNESS: "The reaction that has set in amongst the workers, upon learning that this Bill has not been introduced and that there is a danger of the entire legislation being snatched away from them, has resulted in a rapid destruction of morale. Moreover, the encouragement given to recalcitrant employers by the delay in introducing the Bill has brought about an increase in provocation, which is throwing the workers back into a frame of mind, in which they hold that only direct action will succeed in winning their democratic rights.

The type of provocation which is prevalent in Ontario is well illustrated by the experience of the United Electrical, Radio and Machine Workers of America, District Five (Canada), in its recent organization campaign.

In 30 of the 33 plants where the U.E.R.M.W.A. has undertaken to organize the employees, some form of company union has made its appearance."

MR. FURLONG: Is that in Ontario?

A. That is in Ontario.

"Simultaneously with the organization campaign of the bona fide trade union, management, either directly or indirectly, has stimulated the organization of a company union. Such activity has obstructed legitimate trade union organization and has denied to the workers their democratic choice of the organization which they desired to represent them.

#### LATENT COMPANY UNIONS

In most plants, some form of management-dominated organization exists amongst the employees for recreation, sick benefit or other welfare purposes. Although for the most part dormant or inactive, they were originally formed in most cases at a time when the employees of the plant were starting to organize into a legitimate trade union. These clubs or associations, when they are active, operate with the co-operation of the management. They are not membership organizations with dues-paying members, and a democratic constitution, although in some cases a monthly fee is collected for sick benefit purposes. In no case do they represent the employees of the company united for the purpose of bargaining collectively with the management.

#### REVIVAL OF COMPANY UNIONS

Upon the appearance in the plant of a bona fide trade union, a revival of these clubs occurs. Sometimes company union activity occurs immediately the workers approach the union.

In the case of the Parker Pen, Toronto, the company, through its spy system, learned within one week of the intention of the union to organize its workers. It immediately sponsored a feverish campaign to establish a company union and rushed through a company-arranged vote with improper ballots, before the union had an opportunity to approach the workers and explain its programme. Despite this fact, and although the union had only a very few members, the company union received only a slight majority. Nevertheless, the company quickly signed an agreement with the company union to discourage its employees from further attempts at trade union organization.

In a case of this type, the lack of collective bargaining legislation outlawing company unionism, places a distinct handicap on the trade union, in that it is not able to bring its programme freely and openly before all the workers so they may exercise their democratic choice of the organization which they wished to represent them—on the basis of knowledge of what is involved in the choice—without meeting with the interference of company union activity.

The fact that the union is required to have a majority of the employees before the Commissioner will recommend the holding of a government-supervised vote means that the union has no redress against company union activity, and has to prove its strength twice over. The union is opposed to showing its membership cards unless there is a government guarantee that, on such a showing, if a majority is proven, the company must then recognize the union and bargain collectively and arrive at a signed agreement."

I would like to emphasize here that this is a critical point and important point in any collective bargaining relations, that the request that a union show any commissioner or government agents membership cards as proof of its position in the plant would be agreed upon if there were some guarantee that, having proven a majority, there would be no need for a vote, but there would be immediate recognition of that authority and negotiations.

"It should be pointed out that, where a company union has made its appearance, it is sometimes granted all the powers of a bona fide trade union during the government-supervised vote. This was so in the case of the Aluminum Company, Kingston, where, during the government-supervised vote requested by the union, the Employees' Council (company union) was given all the powers of a legitimate trade union.

However, even in a case where the workers clearly indicate by means of a majority vote, their desire to have the union represent them as their collective bargaining agency, managements have persisted in their attempts to foist the company union upon them. This was so in the Sawyer-Massey Company, Hamilton, where the company union came into being after the government-supervised vote resulted in a distinct victory for the union (253 for, 131 against). However, when the union proposed to the management that collective bargaining negotiations should be opened, the attitude of the management appeared to have changed, and it was found difficult to arrange a meeting. About three weeks later, after the vote and contrary to company promises, the Sawyer-Massey Employees' Association came into being. Five or six people, who, employees state, are good friends of the Superintendent of the plant, began by approaching employees to join the Association. Representatives were picked from each department to form a Works Council, and these people were active in soliciting memberships. Various types of pressure have been used to induce employees to join the Association. R. R. Evans, K.C., a lawyer retained by the Sawyer-Massey Limited, is also the lawyer for the Sawyer-Massey Employees' Association. He is reported to have drawn up the constitution and by-laws of the Association. Mr. Evans was called in during the negotiations between the company and the union. Here it can be clearly seen that even after a government-supervised vote had indicated the desire of the workers to have the union represent them, a company union was foisted upon the employees and used as a buffer between the company and the union.

The case of Underwood Elliott Fisher, Toronto, illustrates the flagrant imposition of a company union against the wishes of the majority of the workers.

Less than one week after the union had begun organizing in this plant, the company called a general meeting at which the President read a prepared speech attacking the 'outside union' and proposing the formation of a company union. Feeling this haste to be undemocratic, an employee suggested that the matter be tabled for two weeks so that an opportunity could be given for both the union and the management to present their case, and that a Department of Labour man should be called in to supervise a vote.

Management finally agreed not to hold a company vote for two weeks.



This pledge was broken, for two days later the company proposed the election of a nominations committee for the officers of a company union in each of the two divisions of the plant, manufacturing and service.

When these two committees were elected, they were composed almost 100 per cent of union members. The recommendation of each was that a government vote be taken as soon as possible to determine the wishes of the majority regarding the union of their choice. The company's answer to the proposal of the democratically elected committees was to have them suspended by the Personnel Manager, and to refuse to recognize them any longer.

Since the democratic rights of the workers were being flouted in this way by company policy, the union called in the Department of Labour. But the company, aware that the investigator had no powers and that all he could do was to recommend a Board, turned a deaf ear to his recommendation for a vote.

Further intimidation of union members was carried on. Management called a number of workers one by one into the company office and intimidated them into signing a letter requesting that they be allowed to withdraw from the union. Twelve union members were discharged on the grounds of 'lack of work,' although the department in which they were employed was engaged exclusively on war work.

Another tactic of the company was to start rumours to the effect that they were willing to grant the cost-of-living bonus and to have a reclassification of wages, two important issues that the union was fighting on. This was done without explaining to the workers that it would have to be approved by the Regional War Labour Board. The company then entered into an agreement with the committees it had sponsored, an agreement which was never brought before the employees for their ratification.

Destruction of morale and interference with essential war production was the result of this company's attempt to frustrate the legitimate desires of their workers for organization, contrary to the principles of P.C. 2685, and to foster an undemocratic company union against the wishes of the majority."

More details can be given on each of these cases at a later date, and we can bring forward witnesses if the Committee desires to hear them.

"The company union which develops out of the recreation or sick benefit club is frequently presented as an Employees' Association, with a new and ready-made constitution which is seldom, if ever, brought to the mass of the employees for ratification.

When employees fail to accept, or when they completely reject, such clubs or associations, efforts are made to remodel them into 'independent unions' for the purpose of 'collective bargaining.'

This was so in the case of the Atlas Steels, Welland, where strenuous

efforts were made to turn the Atlas Steels Employees' Association into the Atlas Independent Union. The constitution was amended 'to include bargaining rights' and a 'contract' with the company was signed. Both the new constitution and the contract were, however, decisively rejected by a vote of the members of the Association when it was brought to their attention at a general meeting.

The case of the Atlas Steels, Welland, is one of the most flagrant examples of the attempt to impose on the workers a so-called 'independent union', whose principles are being advanced regularly in 'The War Worker,' the publication of the Canadian Federation of Labour, 126 Sparks Street, Ottawa.

Both 'The War Worker' and the leaflets issued by the Atlas Independent Union advertise the 'independent union' as having the following advantages:

1. No dues money is paid out of the 'independent union.' (It is not stated that the resources of an international union are at the disposal of a bona fide trade union local.)

2. No salaries are required for union organizers. (It is not stated that frequently company offices and the services of a company-paid official are donated to such an organization. For example, the National Steel Car Company, Hamilton, has provided an office in its administration building for the officials of the National Steel Car Employees' Association, while the Aluminum Company, Kingston, has engaged a full-time 'business agent' as representative of the Employees' Council.)

3. There is no possibility of a sympathetic strike."

This is the argument of the independent unions—

"(Here an attempt is being made to exploit the workers' desire for uninterrupted production by wrongly representing strikes, rather than collective bargaining, as the objective of trade unions.)

4. There can be no 'outside interference' with the affairs of the association. (Here the spokesmen for independent unions fail to point out that, being tied to the management either through direct representation on their executive or indirect influence on their policies, these so-called 'independent unions' are by no means independent of 'outside interference' in the affairs of the employees, and that moreover, not being affiliated with organizations in other plants in the same industry, they are completely isolated and as such incapable of dealing with the problems of the workers of the particular industry as a whole.)

#### HOW COMPANY UNIONS GET MEMBERSHIP

Being engineered either directly by the management, superintendent, or foremen of the plants, or by a small group of management-directed employees, the company union is presented to the employees with, at the least, a hint of intimidation, and at the most, flagrant threats, bribery and coer-

cion. Membership is obtained through pressures of various kinds and is seldom the result of the workers' free choice.

Scores of illustrations may be quoted to show this point. For example, in the Otis-Fensom Elevator Company, Hamilton, when members of the Recreation Club objected to the introduction of the Industrial Relations Committee, company officials took 200 girls away from their machines to vote on the question, although the girls did not learn until afterwards what they were voting for. In the same company, after the rejection of the Industrial Relations Committee, the Otis-Fensom Employees' Association was formed. Girls were tricked into signing membership cards when they were told the cards were to permit attendance at the first meeting only of the Association.

In the Aluminum Company, Kingston, petitions asking the workers if they were in favour of an Employees' Council were circulated on company property and at company expense, while at the same time three union members were locked out by the company.

In the Sawyer-Massey Limited, Hamilton, a signed statement may be obtained to the effect that an employee was approached by two members of the Employees' Association, who were company inspectors, and told that if he would join the Association, he would get a raise in pay. In the same plant, employees state that some men are joining the Association in order 'to get army deferments—the boss gets it for them'."

The right of making a request for army deferments rests with the employer and has been used as a means of intimidation against union activities.

"In the Atlas Steels, Welland, an employee stated that he could get a written statement to the effect that a man had been offered \$20 to join the Independent Union.

Numerous other examples could be cited.

In recounting how company unions are being established, workers repeatedly draw attention to the fact that essential war production is being interrupted by this activity. Company union meetings are usually held on company time, workers being called away from their machines for this purpose. In some cases workers who left their work to attend company union meetings outside the plant were reportedly paid for their time. In other cases, foremen and workers are reported to have neglected their work to spend time exhorting employees to join the company union. In the Underwood Elliott Fisher, Toronto, company union activity interrupted essential war production and threw the plant into an uproar.

#### FINANCING OF COMPANY UNIONS

Mention has already been made of the fact that company property and time and the services of foremen and other employees appear to be donated by the managements for the purpose of establishing company unions. Simi-



larly office space, and in one case the services of a full-time paid official, have been donated by the company."

As mentioned before, in the Westinghouse Company of Hamilton and the Aluminum Company of Canada, for instance, full-time officers are paid by those companies to conduct the affairs of the employees' association.

MR. MACKAY: Q. You mentioned the Westinghouse Company of Hamilton?

A. Yes.

Q. Are you positive that the man representing the shop union there is paid by the Westinghouse Company?

A. That is the information we have from the workers.

Q. Are you satisfied that it is so?

A. Yes, I am satisfied that it is so; and if witnesses are necessary with respect to some of these matters we can bring them forward.

"In other cases, notably the Otis-Fensom Elevator Company, and the Sawyer-Massey Limited, Hamilton, the services of a company lawyer, Mr. R. R. Evans, K.C., were supplied to the company union.

In two plants, Otis-Fensom and Atlas Steels, Welland, employees were reported to have 'put up' sums ranging from \$50-\$250 to establish the company union—surprising altruism on the part of employees whose fellow workers found their wages so inadequate they were anxious to organize a trade union to deal with the question. In at least one plant, Atlas Steels, the company union incurred expenses far greater than the sum they might be supposed to have collected in dues."

Checking up on this, we found that the people who were supposed to make the large contributions to the establishment of an independent union were the same employees who found it difficult to live from week to week, and were borrowing money from their fellow-workers. In the case of Atlas Steels, despite every protestation on the part of the management that they have nothing to do with the independent union, their cheque stubs came out recently with a special item on them for the deduction of union dues, and there is no other union in the plant recognized by the company other than the independent union without any agreement.

"Moreover, in each of the plants from which delegates were sent to interview the Ontario Government on behalf of the Canadian Federated Council of Employees, no subscription campaign was conducted amongst the employees to offset the expenses of this delegation."

I can name four plants: The Canadian Westinghouse, the Atlas Steels, the Otis-Fensom Elevator, and the Sawyer-Massey. In any one of those cases I do not believe the independent union has any membership fee, or if it has it is very small, but these people came before the Ontario Government purporting to represent all the workers in the plants.

### "CONCESSIONS GRANTED THROUGH COMPANY UNIONS

It should be noted that, where union organization is under way, numerous temporary concessions have been granted to the employees through the medium of the company unions. Such concessions as holidays with pay, adjustment of hours, and in some cases, wage increases, taken from the legitimate demands of employees advanced in their union programme, have been granted as a means of attempting to convince the employees that their demands can be met without union organization.

In the Aluminum Company, Kingston, various concessions were made to the workers through the Plant Council, among which were wage increases for female employees and reclassifications of some rates.

As a general rule, however, the real objective of the management in establishing a company union is to 'freeze' existing conditions and the current labour policy of the company. This was notably so in the case of the Atlas Steels, Welland, where the agreement drawn up between the company and the Atlas Steels Independent Union contained the following clause: Section 4, Wages: The scale of hourly wage rates in effect at the time of the signing of this agreement shall be maintained unless otherwise prescribed by law during the life of this Agreement.

In the case of the Canadian General Electric, Peterborough, an agreement was drawn up by management with the Plant Committee, merely summarized current company policy and practice with regard to wage rates, overtime, vacations, seniority, and grievance procedure.

Generally speaking, any genuine improvements obtained for the employees through company unions have been won by the activity of union members in the company union. This was the case in the Aluminum Company, Kingston, where, after the Employees' Council was selected by the workers as their agent in a government-supervised vote (in which the union committee did not see and was not allowed to criticize the wording of the ballot), key union workers were elected to the Employees' Council, and sought adjustments in wage payments and other matters. In the York Arsenals, Toronto, the union has put up a slate of officers for the Plant Committee, but most companies bar known union members from such committees, in an attempt to prolong their life and discourage the workers.

### RECOGNITION OF COMPANY UNIONS

Management has in most cases expressed a willingness to negotiate some form of agreement with company unions, labelling such negotiations 'collective bargaining.' Examination of these proposals reveals that in no case did management enter into any genuine bargaining concerning the wages, hours and conditions of employment of its employees.

Recognition of the company union by management is common, while refusal even to meet with union representatives is almost 100 per cent.

In cases where the union is too strong to be ignored, the company has attempted to meet with both union and company union representatives, or with both union and non-union employees, in every case denying to the trade union genuine collective bargaining rights."

MR. HAGEY: Q. You state that recognition of the company union by management is common, while refusal even to meet with union representatives is almost 100 per cent?

A. Yes, I mean with the bona fide trade union representatives.

Q. But did the trade union represent the majority of the workers in the plant?

A. No. I mean that in nearly every case where a union representative requests an interview with management they are turned down, whereas the requests of the company union are met.

Q. I suppose there would be no obligation on the part of management to meet with the representatives of a union that had no status in the plant. If the system of collective bargaining that has been asked for is adopted, the union that has the majority is the one that will meet with management?

A. The point I am making here, and my whole thesis here is that in practically none of the cases cited has the company union represented the majority of the workers, whereas our union representing the majority has been refused an interview with management.

"In all these cases, the company union provides a convenient screen behind which the management can shelter its unwillingness to bargain collectively with its employees organized into a bona fide trade union.

In the Parker Pen, Toronto, after hastily establishing a company union, the management signed an agreement with it.

In the Sangamo Electric, Toronto, the management met with the Plant Committee on wages and conditions, while three times refusing the recommendation of a government commissioner on a vote on the question of the trade union.

At the Atlas Steels, Welland, the management was willing to sign an agreement with the Independent Union, while a defamatory campaign was carried on against the union.

In the Aluminum Company, Kingston, the management signed an agreement with the Employees' Council, and hired a full-time 'business agent' for it.

In the Underwood Elliott Fisher, Toronto, however, the management refused to deal with the company union committees when they proved not subservient to their policies; the committees were suspended, and new members elected from among those who, when canvassed by foremen, had stated their preference for a company union.



In the Sawyer-Massey Limited, Hamilton, the constitution and by-laws of the Employees' Association were reportedly drafted by the company's lawyer, R. R. Evans, K.C., and this lawyer was invited to sit in on negotiations between the management and union representatives.

In the Canadian General Electric, Peterborough, after a vote in the neighbouring Genelco plant had gone in favour of the union, the management rushed through an agreement with the Plant Committee. This committee was never authorized by the employees at any time to sign an agreement with the company, the agreement was not submitted to the workers for approval or rejection either before or after completion, and the workers were never informed officially that the signing of any agreement was contemplated. The protest of all the employees of one department against the conclusion of any agreement before submission to the body of workers for ratification was ignored. Pressure was used on the committee to persuade them to sign the agreement, and seven members of the committee, who signed under protest, declared to their fellow-workers that they 'protested against signing the so-called agreement at every opportunity. However, rather than see the company succeed in causing a serious rift and division in the ranks of the employees' representatives, we agreed to the signing, but under protest.'

In the Commonwealth Electric, Welland, the management was willing to meet with 'any group of its employees,' including representatives of a defunct company union—despite an obvious majority of its employees being members of a petitioning union. The company agreed that representatives of the union might sit in, but that any agreement reached would be irrespective of union affiliation.

#### LACK OF COLLECTIVE BARGAINING GUARANTEES

Every evidence points to the conclusion that all such organizations—welfare and recreation clubs, plant committees and councils, employees' associations and independent unions—are clearly instigated and dominated by management, and in only a few cases represent the majority of the employees. These exceptions are where such clubs are genuine recreation or sick benefit clubs without any pretense of collective bargaining.

The springing into existence of a score or more of these company unions, simultaneously with the organization campaign of the U.E.R.M.W.A., has been made possible by the lack of genuine collective bargaining legislation, making it compulsory for management to grant union recognition to the trade unions of the employees' own choice.

Federal legislation states the democratic right of workers to choose a collective bargaining agency free from interference.

"P.C. 2685:

'That employees should be free to organize in trade unions, free from any control by employers or their agents.'

'That employees, through the officers of their trade union or

through other representatives chosen by them, should be free to negotiate with employers or the representatives of employers' associations regarding rates of pay, hours of labour and other working conditions with a view to the conclusion of a collective agreement.'

But specific guarantees against interference by management with the self-organization of workers are not given. Moreover, the attitude of the Federal Department of Labour in recognizing the 'agreements' concluded by management with company unions, regardless of whether or not such 'agreements' have ever been seen or discussed by those whom it binds, that is, the majority of the employees, indicates a tendency to close the door to recognition of legitimate trade unions and bona fide collective bargaining agreements."

Then under the heading: "The History of Company Unionism in the United States" are some excerpts from a comprehensive study of company unionism, its growth, and what it brings to its employees, as conducted by the Bureau of Labour Statistics in the United States in 1935, in which they have set out quite conclusively—I will not read these excerpts but will leave them for the study of the members of the Committee—that after studying a number of company union set-ups in the United States they found, first, that any concessions made to employees through a company union or plant council set-up were the direct or indirect result of the organizing campaign of those employees through their own outside legitimate trade union, and that in hardly any of the cases has the independent union been proven to be free from some measure of company domination or interference. The result of that study was the incorporation in the National Labour Relation Act of the specific stipulations that virtually outlawed company unions in the United States.

MR. MACKAY: Q. Are they outlawed now?

A. They are outlawed in so far as operation is concerned by means of various stipulations in the Act imposing penalties on the employers for interference with the employees.

Q. Does not the Wagner Act contain a statement that company unions are outlawed?

A. I do not think the Wagner Act states it in that way, but the results are the same.

#### "THE HISTORY OF COMPANY UNIONISM IN THE UNITED STATES

The resurgence of company unionism in the province of Ontario under P.C. 2685 bears some similarity to the resurgence of company unionism in the United States, June, 1933, to June, 1935, under the National Industrial Recovery Act, Section 7 (a).

In 1935 a study was undertaken by the Bureau of Labour Statistics, in an attempt to present a factual portrayal of the characteristics of company unions.<sup>1</sup>

<sup>1</sup>CHARACTERISTICS OF COMPANY UNIONS, 1935. Prepared by the Division of Industrial Relations, United States Department of Labor, Bureau of Labor Statistics, Bulletin No. 634, June, 1937.

In this study, the Bureau accepted the term 'company union,' using it in its generic sense, as an organization of workers confined to a particular plant or company and having for its purpose the representation of employees in their dealings with management.

'Company unions fall into two groups, according to the basis on which employees participate in the affairs of the organization. In somewhat more than half (of those studied), the right to participate followed automatically from employment by the company. . . . In such situations, there is no such thing as membership in an employees' association. There is, technically considered, no association, but simply an agency for representation of employees in their relations with management.

The second type of company union, comprising somewhat less than half of the total (of those studied) operated on a membership basis. . . . This type, which dated predominantly from the period since March, 1933, included almost all of the dues-charging organization and the great majority of those having general employee meetings. . . .<sup>1</sup>

The analysis indicated that company unions arise during a period of rapid trade union organization.

'Relatively few company unions were started during the depression period. (The study) reveals the resurgence and tremendous growth of the company union movement in the period after the passage of the N.I.R.A. when growth also occurred among trade unions.'<sup>2</sup>

'In more than half of the cases of company unions formed during the N.R.A. period, recently established trade-union locals contended for the right to represent the workers. In these cases, there had been no agency for collective dealing before March, 1933. The sequence of events in the great majority of these cases *indicated that the trade union had appeared on the scene first* and had tried to establish itself as the bargaining agency for the employees. The company union appeared either immediately following the trade union or after the lapse of some time. In some cases, the new trade union local was more or less completely eradicated following the establishment of the company union. In other instances, the trade union continued to function more or less effectively but the company union received recognition by the company as the sole bargaining agency or as entitled to equal recognition with the trade union.'<sup>3</sup>

The study also indicated that a new type of company union was developed at this time.

'There has been a tendency in the direction of membership company unions rather than automatic-participation organizations, and a move to reduce service and other requirements for participation. Man-

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<sup>1</sup>Chapter 23, Summary and Conclusion.

<sup>2</sup>CHARACTERISTICS OF COMPANY UNIONS, Page 3.

<sup>3</sup>CHARACTERISTICS OF COMPANY UNIONS, Page 79.



agement participation has been reduced or eliminated in many respects, including a shift away from the joint committee towards the employee-committee form of functioning. Dues and employees' meetings have become more common. Collective bargaining has appeared as a definitely stated objective in some company-union constitutions. The number of agreements signed by both company unions and management has increased, although such agreements are still uncommon. . . .

'As a result . . . there has developed a new type of company union that more or less approaches the *formal characteristics* of trade unions. . . .'<sup>1</sup>

The effectiveness of company unions was analyzed in the following words:

'The great majority of company unions were set up entirely by management. Management conceived the idea, developed the plan, and initiated the organization. In a number of cases one or more employees played a part in the initiation of the company union.

The existence of a company union was almost never the result of a choice by the employees in a secret election in which both a trade union and a company union appeared on the ballot.

In view of the emphasis placed upon the company union as an agency for adjusting individual grievances, it is significant that one-third of the company unions handled no such matters.

Company unions were less effective in handling general questions of wages and hours than in handling other matters. . . . In negotiations concerning wages and hours of work, company unions were handicapped by a number of factors. . . . Fundamental was the company union's inability to bring any pressure upon the employer. In most cases aggressiveness could take the form only of reiterated requests for consideration of the petition of the company union. . . . Only one-fifth of the company unions possessed the right to demand arbitration, by disinterested outsiders, of matters which could not be settled by discussion between management and employee representatives. . . . Most important of all, perhaps, the company unions were hampered by their inability to control wage conditions in more than one plant. . . .'<sup>2</sup>

The findings of this study document and closely parallel the decisions of the National Labour Boards with regard to the interference of management in the self-organization of workers."

Then reading at page 22, this is where we deal with some of the practices to be seen in the United States:

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<sup>1</sup>CHARACTERISTICS OF COMPANY UNIONS, Page 203.

<sup>2</sup>CHARACTERISTICS OF COMPANY UNIONS, Chapter 23, Summary and Conclusions.

"DEVELOPMENT OF THE LAW OF COLLECTIVE BARGAINING

A law of collective bargaining was developed in the United States through application by the National Labour Boards of the provisions of Section 7 (a) of The National Industrial Recovery Act.

This law developed along the following principles:

*'Majority rule:* The prime requisite for any technique of collective bargaining is the selection of representatives, and the selection must be free from interference. . . . The Board stated that an interpretation of Section 7 (a) permitting any practice which "would hamper self-organization and the making of collective agreements cannot be sound." The Board further stated that the policy of dealing first with one and then with the other organization destroyed the effectiveness of collective bargaining. This policy enabled the company to favour one group to the detriment of the other. It prevented the formation of agreements—the aim of collective bargaining. *Nor did the Board agree that a composite committee including representatives of both the majority and the minority sufficed'.*"

MR. MACKAY: Q. You are showing the malpractice of many industrial institutions?

A. Yes, out of thirty-three companies in Ontario with which this union has large relations in the last eight months there have been various degrees of these malpractices. In some of them we have since that time established collective bargaining relations, but we established those in spite of certain of these malpractices.

MR. NEWLANDS: Q. Have you a majority of employees in the Canadian Westinghouse Company?

A. No; we do not at this time have a majority in that plant.

Q. Or in Otis-Fensom Company?

A. We have a majority in the Otis-Fensom Company.

Q. But not in the Canadian Westinghouse Company?

A. That is correct.

Q. Has there been a vote?

A. There has been no vote in either of these plants. We have been trying to get a vote in the Otis-Fensom plant for four months.

MR. ANDERSON: Q. What is the situation at Atlas Steels?

A. The Atlas Steels situation is that the independent union is recognized by the company informally, and the appeal of our membership, which we claim

represents a majority of that plant, is completely ignored. We have repeatedly requested, in order to clear the air, that a government-supervised vote be held and a ballot taken to decide which of these two organizations the employees desire to have represent them.

Q. When did you begin negotiating with the employers there?

A. We started organizing about the first week of December and have met the management on two occasions to try to bring about a vote.

Q. Were there any serious grievances with respect to wages, etc.?

A. Yes, wages and the method of payment of wages, and hours of work and conditions of work.

Q. Is part of that plant a Crown industry?

A. I believe so; where the dividing line comes in I have not been able to find out either from the government or the management. They say one end of the plant belongs to the company and the other end to the Crown company.

Q. You said something about \$20 being offered to some person?

A. Yes, \$20 was offered to a man if he would join the company union.

MR. HAGEY: Q. If he would join an independent or plant union?

A. Yes.

THE CHAIRMAN: Q. Could you tell us who offered that sum to him?

A. I have not that information at my finger-tips, but I can secure it for you.

On the question of the law of collective bargaining in the United States I am not attempting to give an exhaustive analysis here.

MR. NEWLANDS: Q. What page are you on?

A. Page 22. I skipped one section.

THE CHAIRMAN: Q. Have you another copy with you, Mr. Jackson?

A. No; I have given the Committee all the copies I had. I skipped reading the section headed "The History of Company Unionism in the United States." Page 22 is headed: "Development of the Law of Collective Bargaining."

MR. ANDERSON: That is page 26 of my copy.

MR. FURLONG: It is page 22 of Mr. Jackson's copy

WITNESS: On the point of the development of the law of collective bargaining, these are citations from findings leading up to and part of a National Labour



Relations Act in the United States, and I think they are rather important in some of the aspects as to what is meant by "majority rule," particularly in view of what is becoming the practice in Canada at this time of attempting to water down the representations of the organized employees by insisting that there be two bargaining agencies or more in a given plant.

THE CHAIRMAN: Q. Who is trying to insist on two bargaining agencies?

A. A number of managements resort to that subterfuge of watering down the recognition of a union with a majority by saying: "We will recognize your union as part of a joint committee in this plant, but another union or company union should also have representation on that committee." It is being put forward at the present time and has been used on one or two occasions by the General Electric management and the Commonwealth Electric management as a means of getting around full recognition of a union.

Q. The reason I enquired is because it is contrary to what Mr. Aylesworth, representing Ford and Chrysler, said yesterday. He was afraid, from the employers' point of view, that there would be too many bargaining agencies, and he did not want the employees as a whole split into segments or sections, each having a committee to bargain with the management in connection with their particular interest.

A. We have the same thing here in the Sawyer-Massey Company, where after the union won a government-supervised vote by 253 to 131 the company established a company union set-up in the plant and then asked that both groups be represented for the purpose of collective bargaining in the plant.

Q. Mr. Aylesworth was afraid of there being too many?

A. It was to let both unions sit on the central bargaining committee of the plant or to recognize two independent bargaining agencies and deal separately with each one, both of which are a denial of the essential principle of majority rule and the right to be represented on that basis. Both are contrary to any sort of collective thinking on the part of the employees, and are the cause of constant dissensions and divisions in the plant.

Q. Your submission is that there should be only one bargaining agency for the employees?

A. Yes, where a vote has been taken and it has been decided what the bargaining unit in the plant shall be, as an industrial union our scope embraces all of the employees in the particular plant, and therefore we ask that once the decision has been made and the majority has chosen one organization or another, that majority should be recognized and the representatives of that majority should become the bargaining committee or agency for all of the employees in that plant.

MR. MACKAY: Q. Even if the dispute is in one particular department the bargaining unit covering the whole of the organization is the bargaining unit for that department as well?

A. Yes.

Q. Take, for example, the stationary engineers or the electricians in a particular group.

A. Frankly, as an industrial union we feel that craft recognition of various crafts in a plant creates a chaotic condition.

THE CHAIRMAN: Q. What do the crafts think about it?

A. Naturally they do not agree, although there is a tendency to-day to move away from that position, and even the craft unions are establishing industrial forms of organizations, particularly the machinists' unions; they are moving away from having ten to fifteen different bargaining agreements in the one plant. Our position is that there should be only one bargaining agency in that plant, and that it should be determined on the vote of all employees eligible for membership in that union, and when a majority has decided one way or the other, that is the bargaining agency.

Q. You will admit that it is not free from a lot of difficulties?

A. I do not see the difficulties, in view of the history in the United States in the past several years. Those difficulties have been pretty well ironed out in practice.

MR. NEWLANDS: Q. It would have the effect of wiping out the craft unions?

A. Not necessarily.

Q. Why would they continue to exist?

A. Craft unions to-day manifest a tendency to develop along the lines of a craft industry. In a shop that is fully a machine shop the craft union views its organizing programme as being for the whole of that plant or industry.

Q. Broadened out?

A. Yes, broadened out.

THE CHAIRMAN: Q. And there is a tendency towards rapprochement between the industrial unions and the craft unions?

A. The picture as I see it is that the craft unions have more and more adopted the industrial form of organization.

MR. FURLONG: Q. The crafts were the ones that started unions?

A. Yes, and that was a logical development because in the early stages of organization a plant was virtually a craft, there being only one craft in a plant. It was only as they got into the stage of mass production where they had a number of crafts operating under one roof that the need for broadening out arose.

Q. Like the Ford Motor Company assembly line, which did away with the machinists?

A. Yes, and in the old days you would have a shop that would do nothing but blacksmith work or electrical work or watchmaker's work, work of various crafts.

MR. MACKAY: I am not satisfied yet. You are giving us an important piece of information, Mr. Jackson, and I appreciate the way you are giving it, but I can see where the Committee will have a job of adjusting each craft organization as to who will become the bargaining unit. That is going to come up, and the other side will perhaps present arguments why crafts will stand on their own feet and have the right to collective bargaining themselves. Personally I think there may be a confliction of views between the two groups.

A. There may be a confliction of views between the two groups. I do not know that the A.F. of L. are completely in agreement as to what would constitute a bargaining unit.

Q. I know they are averse to some of the arguments put up by the C.I.O.?

A. There is a question of having some authority to decide what the bargaining unit in a given plant or industry shall be, and I believe this Committee will be studying the National Labour Relations Act in the United States in order to have a background of experience on this important question. There is an exhaustive study, and some very outstanding developments in the argumentation on this question of what is a bargaining unit. I am not prepared to make a full, definitive statement, but am merely putting forward the history of the last few years in which the industrial form of organization has developed as the main bargaining organization, and many of the craft unions, for the purposes of collective bargaining, have chosen to be represented by a collective bargaining agency representing the majority of the employees in a given plant.

THE CHAIRMAN: Q. Both craft and industrial unions?

A. Yes. In any of the plants of large corporations there is not any basic quarrel on the part of individuals who happen to be craftsmen, because they find the same degree of protection through the broad bargaining agency in that plant for their craft as any other worker in the plant would find.

Are there any other questions on that point?

MR. FURLONG: Q. The trouble would come in regard to a craft in a factory where, let us say, there were 1,000 employees, 900 of whom wanted the C.I.O. as the bargaining agent and the other 100 did not want the C.I.O. but wanted their own union as the bargaining agent, and if the secret vote controlled the bargaining agent, the C.I.O. would eliminate that union as a bargaining agent for them?

A. For that very reason the craft unions have now become industrial unions in the main.

Q. Probably we will hear a good deal about that on Monday?



A. They will present their own side of the case.

Q. You are giving what you think is right, anyway?

A. Yes. The point I am bringing out is that the question of majority rule has been studied, and there have been many definitive statements written into the law in the United States in that regard, and they are specific on this question of a composite committee.

THE CHAIRMAN: Order, gentlemen, please. The reporter is having difficulty in hearing the witness.

WITNESS: To continue:

“The order required the company to recognize the union as *the exclusive bargaining agency* of its employees and to enter into negotiations with the union in an effort to arrive at a collective agreement covering conditions of employment. . . . The subjects of collective bargaining were to be wages, hours and working conditions. . . . The duty to bargain collectively involved more than merely meeting with representatives of the workers.’ ”

MR. FURLONG: Q. That only requires the company and its employees to enter into negotiations?

A. Yes. We have dealt pretty well in the discussion with the meat of this section:

“The employer “must negotiate actively in good faith to reach an agreement.” He must “discuss differences with the representatives of the workers and . . . exert every reasonable effort to reach an agreement on all matters in dispute.” Collective bargaining is the means to an end. . . . The end is an agreement.’

Section 7 (a) specifically forbade interference with self-organization of workers through discharge of union members and company union activity.

‘The company union cases before the Board have presented a series of acts which in the aggregate have been held to constitute interference in violation of the statute. No single factor such as financial domination by the employer or the drafting of the constitution by management has been singled out as the sole cause of a decision. The decisions of the Board have considered and prescribed conduct which leads to employer domination of employee organizations. Such conduct includes the suggestion of the form of organization by the employer, the drafting of its constitution by lawyers or officers of the company, lack of opportunity to accept or reject the plan, absence of secret ballot in a vote adopting the plan or electing representatives to serve under it, payment of additional salaries to representatives for the performance of their duties in that capacity, the supplying of clerical and stenographic services for the conduct of the association’s business, provisions in the constitution giving the employer the power to make final decisions or to veto decisions of the employee representatives, giving the company union credit for wage increases, or making benefits arising from pension plans dependent upon membership in the association favoured by the employer.’

The Schechter decision destroyed the basis upon which Section 7 (a) and the interpretations of the National Labour Relations Board and other Boards were premised. . . . Less than six weeks after, the National Labour Relations Act was enacted. Section 7 expands and clarifies the rights of workers previously enunciated under Section 7 (a) of the N.I.R.A. and Section 8 implements these rights by enumerating and prohibiting certain unfair labour practices by employers. . . . The Act does not outlaw company unions, nor does it even mention them, but it prohibits practices which operate to prevent freedom of organization and collective bargaining.

On April 12, 1937, the Supreme Court in five cases sustained the constitutionality of the National Labour Relations Act. Chief Justice Hughes stated in the Jones and Laughlin case:

'Experience has abundantly demonstrated that the recognition of the right of employees to self-organization and to have representatives of their own choosing for the purpose of collective bargaining is often an essential condition of industrial peace. *Refusal to confer and negotiate has been one of the most prolific causes of strife.*'

'To the extent that the activities of employers in the formation, control or domination of "company unions" interfere with the rights of labour to organize and bargain collectively and in so far as such activities constitute unfair labour practices within the meaning of the National Labour Relations Act, such unions are outlawed. The law of collective bargaining has definitely evolved to the point where the rights of labour have received recognition and protection through statutory sanction.' Such are the conclusions of the study.

#### THE NEED FOR COLLECTIVE BARGAINING LEGISLATION IN ONTARIO

The government of Ontario, which had expressed its intention of introducing legislation to establish compulsory collective bargaining in the province, was interviewed on February 8, 1943, by the Canadian Federation of Labour and Associated Workers' Associations.

The delegation presented a memorandum to the government expressing apprehension lest such legislation should be 'patterned after the methods adopted elsewhere' which would 'impede or prevent the formation and operation of free labour unions.'

The delegation, which claimed to represent approximately 200,000 employees, included delegates from the following plants where the U.E.R.M.W.A. is organizing:

Atlas Steels Employees' Association, Welland.....	3
Canadian Westinghouse Employees' Association, Hamilton.	3
Sawyer-Massey Employees' Association, Hamilton.....	1
Otis-Fensom Independent Employees' Union, Hamilton....	1

From the history of the Employees' Associations in these four plants, it is evident that they all fall within the definition of 'company unions' as

accepted by the Bureau of Labour Statistics, Washington. These case histories reveal that a deliberate campaign is being carried on in the Province of Ontario to organize and establish a federation of company unions, behind the front of the Canadian Federation of Labour; they reveal further that in general these company unions represent only a handful of management-dominated employees: they are 'ghost' organizations without a membership. Their petitioning of the government of Ontario 'on behalf of 200,000 workers in the province' is a self-assumed privilege which has not the backing of any bona fide trade union or collective expression of these 200,000 workers.

Moreover, the presentation of the Canadian Federation of Labour on behalf of company unions, the provocative activity of managements in fostering, recognizing and signing agreements with company unions while denying recognition to bona fide trade unions; and the willingness of the Federal Department of Labour to recognize such agreements, are apparently part and parcel of a well-organized scheme to bring about the scuttling of the proposed government legislation. They stand as the main obstacle to the establishment of democracy in labour-management relationships and the building of harmonious relationships towards the end of achieving maximum production for the offensive against Hitlerism on the continent of Europe.

The continual frustration by management of the desires of the masses of the industrial war workers for trade union organization and the achievement of genuine collective bargaining agreements, which would open the path to unprecedented leaps in production (as demonstrated by the gains in production made in those plants where union recognition and labour-management co-operation has been established) is the source of the discord, and resentment, in which strike-provocation finds its field. Where the possibility of strike-action arises, the guilt for the arousing of this situation may be placed squarely on the shoulders of those managements which refuse union recognition while dealing with company unions, and on the lack of collective bargaining legislation outlawing company unionism and guaranteeing trade union recognition.

The right of trade unions to function freely is one of the basic freedoms for which all the resources of our country—manpower, financial and industrial—are being mobilized to defend against fascist domination.

Churchill has issued the call to all of us in the statement that

'We have to make the enemy burn and bleed in every way that is physically and reasonably possible in the same way he has been made to burn and bleed along the vast Russian front.'

He specifically sets out the need for unity for the offensive when he states:

'I appeal to all patriotic men on both sides of the ocean to stamp their feet on mischief makers and sowers of discord wherever they may be found and let the great machines whirl into battle under the best possible conditions for our success.'



Prime Minister Mackenzie King has outlined the tasks ahead in his address to the American Federation of Labour, in which he stated:

'I should like to see labour-management committees in every industry in our country. . . . Happily the principle of the partnership of management, of workers and the community is making steady progress. Where it is tried it is proving its worth. It is only by fully realizing and accepting this partnership that the necessities of industry can be harmonized with the hopes of humanity.'

No single step could give greater impetus to the mobilization of the total war effort of Canada behind the offensive of the United Nations than the passage of collective bargaining legislation in the largest industrial province in the country. Such legislation, outlawing company unions and guaranteeing freedom of activity to legitimate trade unions, would provide the necessary reassurance to Ontario's thousands of industrial workers that the governments and managements of this country are sincerely and wholeheartedly behind the objectives set forth by the United Nations in the Atlantic Charter and the Casablanca Conference for the strengthening of democracy and the crushing of fascism. Such reassurance is a vital necessity to the masses of the common people who are toiling in our war plants to produce the vital munitions of war and who are continually meeting with obstruction of their legitimate desires to exercise their democratic choice of the organizations which they wish to represent them. Only government protection and guarantees of their rights as Canadian workers can put an end to the disputes, bickerings and strikes which are holding up all-out war production and the implementation of a total war policy for victory over Hitlerism and the establishment of a just and democratic peace."

Now, we are fully aware that it is by no means an exhaustive study of the situation to bring out in passing reference what has actually taken place in many plants in this country. It we were given the time we could prepare a brief that would fill many books on the question of actions taken by management to obstruct workers attempting to build or join their own union. This was highlighted in one respect by the delegation previously mentioned that appeared before, I believe, the Premier of the province and others prior to this session of the House, led by Mr. Burford of the Canadian Federation of Labour and composed of representatives from independent unions—at least, they had those names attached to their unions. Our contention is that this delegation—and I do not doubt that the same delegation in some form or other will appear before your Committee—is not representative in any of these situations of the majority opinion in the plants to which reference has been made. In three of them we know of, our union does have a majority; but in all of those situations they have been unable to secure a vote to decide the issue in the most democratic manner, and therefore in examining the credentials of these organizations I think it is important that there should be a realization of just how these independent unions were formed, how they are financed, and in what way they have shown they are representative of the people they claim to represent. As a matter of fact, some of the advertising that has been done of recent date by this so-called Ontario Workers' Association has been the type of advertising that serves to flout the right of workers freely to choose their own organization, and I think any representations made by these groups should be very thoroughly examined by this Committee.

Then, where there is a representation made by such an independent union from a plant where it is known there is a bona fide organization likewise claiming membership, possibly it might be in the interests of this Committee if a joint delegation representing the two groups at that plant were before you at the same time, when you could exhaustively question them as to the nature of their representations.

MR. FURLONG: Q. They would not agree to that?

A. No; but you might get some interesting facts for your Committee that way.

Q. I think you have pretty well covered all the facts that the regular unions would put forth?

A. I would like to sum up in a few words. The situation as we see it in Ontario at this time, to put it mildly, is on the verge of chaos. Production in these plants, while excellent from the over-all standpoint of showing a much greater output than was anticipated even by our government, to-day is being seriously jeopardized by a situation where in plant after plant there is this "war" going on between the employees seeking to exercise their democratic right of choice of organization in the face of the various methods used by management to obstruct them in that choice.

THE CHAIRMAN: Q. In what percentage of plants would those conditions exist?

A. I would put it historically this way, that in the last six months since the announcement of the consideration of a collective bargaining Bill there has been an almost unprecedented outgrowth of intimidation, discrimination and the fostering of various types of company unions.

Q. And the cause of most of the trouble is the announcement by Mr. Heenan that we were going to have a collective bargaining Bill, I suppose?

A. No; it is a little more historical than that, although that could be said to be the starting point of a feverish degree of activity. I find those who wish to prevent such a Bill and wish to establish something that gives the appearance of collective bargaining in their plants as the means of working against any changes in the law are fostering these various types of company unions, and so on.

MR. MACKAY: Q. But you would not say that the implementing of such a Bill would clear the air?

A. On the contrary, I say it would immediately wipe out 90 per cent of that type of activity which is destructive of morale and is hampering the maximum production that we are striving for in these plants, because in all these cases if it were clearly understood by management that the employees are not to be obstructed in their choice of organization, and that finally it will be decided by a vote, and when the democratic ballot is taken and the die is cast and the workers know which union they want, and you enter into negotiations on collective bargaining agreements, you have wiped out 95 per cent of the source of dissension in these plants.

I would put it even stronger, and say that if there is a collective bargaining Bill brought down that does not contain full guarantees of this right to organize and secure representation and get into negotiations with management and work towards the signing of collective bargaining agreements, or a Bill which at the same time puts other obstacles in the way of those organizations, then in Canada we may pass, despite the no-strike policy of the major organizations of labour in this country, through a serious wave of strikes brought about by provocation, for I think it could be proven that there have been in some instances attempts in recent weeks to provoke strikes as a means of further creating public antipathy towards a collective bargaining Bill on the part of this government.

THE CHAIRMAN: Q. That would be a rather regrettable state of affairs?

A. I am pretty sure that that has been the character of the activities in the plants in one or two instances. Management has taken a known leader in a plant off his job and put him on some other job or demoted him and forced him to give up in disgust and quit the plant or stand up and fight, thus providing the employer with an opportunity to fire him or fire the committee supporting him, or force them to the point where they feel that the law gives them no protection and they are being pushed around and the only protection they have is to go out on strike.

MR. MACKAY: Q. The law says the employees shall not be fired for union activities alone?

A. Yes, but that is a very difficult thing to prove, because you can say a man is incompetent or has spoiled some work, or looked the wrong way at the foreman when he came in in the morning.

THE CHAIRMAN: Q. Any man responsible for doing anything like that at this time is nothing more or less than a traitor, I imagine?

A. That is our feeling on the subject.

MR. MACKAY: Q. Yet that is the only legal status you have?

A. Yes, the Order-in-Council and the amendment to the Criminal Code, neither of which are conclusive protection to the workers against discrimination.

I have in mind a most glaring example of the activities that some employers indulge in, in one plant I have referred to situate in Toronto. I think they have used everything in the book to prevent workers from joining a union or getting recognition of that union, and I would like, with your permission, to ask Mr. Ross Russel of our staff to give you an outline of the activities in the Underwood Elliott Fisher Company within the last three and a half weeks. I think it is one of the most glaring cases I have seen at any time of a succession of acts designed to prevent employees from becoming members of the union.

MR. FURLONG: Q. Before you call Mr. Russell I would like to sum up briefly what you desire for your union. You are not asking compulsory agreement?



A. No.

Q. You are just asking compulsory negotiation?

A. That is correct.

Q. With a bargaining agent chosen by secret ballot by a majority of the workers?

A. With the same provision made as to how to secure that vote.

Q. Yes, but for the time being a properly taken secret ballot?

A. Yes.

THE CHAIRMAN: Q. Under government supervision?

A. That is not the point. I am talking about a group of employees who have organized a new union in a given plant, with a membership of 25 per cent, 30 per cent, 35 per cent or 40 per cent of the workers; at what stage do they have the right to have a vote taken in that plant?

Q. What do you say?

A. I say that in any plant where 25 per cent to 30 per cent of the employees have already indicated a desire for a union in the face of discrimination and insecurity of employment, at that stage a vote should be taken in that plant by that organization.

Q. Mr. Mosher asked for only 51 per cent?

A. No; he said if 51 per cent or better voted.

MR. MACKAY: Q. That is right?

A. What I am talking about is securing the right to have that vote taken, which is a different question and which is the big question at this time. We put this claim forward, that if a union representing 51 per cent or better in a plant wishes to have management enter into collective bargaining relations with them, that union should have the right to file its membership cards with a government official who, on checking those cards with the payroll of the plant, satisfies himself that the union represents 51 per cent or better; and under those conditions the law should immediately state that that union having proven its majority views without a vote but on an actual presentation of membership cards and check, the management of that company must immediately sit down and enter into negotiations with that union with a view to a collective bargaining contract.

MR. ANDERSON: Q. Without a vote?

A. Yes. I say it should be optional with the union to take that procedure or take a vote. One method is called certification and the other method is called election. Certification only takes place where the employer agrees that a proven

card count will be sufficient and does not wish to challenge it to the point of requesting an election. I think that method here would be quite a step forward in settling a lot of these questions.

MR. MACKEY: Q. That only 51 per cent should determine the collective bargaining unit with the management seems to me to be insufficient, because it leaves a strong minority of 49 per cent which during the year would be raiding on the other people's forces. To my mind it would be better if whoever becomes the collective bargaining unit should be on a sounder ground by having a majority percentage of at least 60?

A. I presume, sir, that you are predicating your remarks on the argument that the vote would be between two unions, one union getting 49 per cent and the other 51 per cent.

Q. That is it.

A. That is not the majority situation, sir. You will find that situation occurring very infrequently. In most situations 51 per cent or 52 per cent or a greater per cent of the workers in a given plant will vote for a specific union, and the others will not be in an organized position on that question. It would be an organized majority and an unorganized minority. In other words, the question is: How do you frame a ballot in a given plant if there are two unions in that plant contesting for the right of collective bargaining? I think it improper that the workers in that plant should have to choose between one or the other, necessarily. There should be a third provision on such a ballot, that those workers should be able to choose one union or the other union or no union, and there you would have the expression of the actual opinions of the workers. I do not want that to be confused with another type of ballot being suggested in Toronto at the present time, that because there are two contesting unions in a plant a vote should be taken first to decide whether or not the employees want any union, and later, if that vote goes through, to decide which union. I think that would be incorrect procedure. I think the procedure should be that if there are two unions there should be a three-way choice for the employees in that plant: one union, the other union, or no union.

THE CHAIRMAN: Q. A little while ago in the Ford plant they had a vote for a company union or the C.I.O., and voted, I think, 60-40 as in the case of local option when they had to have more than a bare majority in order to get public opinion behind them, and after the vote was cast there was no trouble and the C.I.O. was recognized because they had a majority.

A. There will not be any trouble unless management seeks to organize a minority against the majority.

MR. FURLONG: Q. Mr. Jackson, have you any objection to certain controls going in a Bill with regard to unions such as registration?

A. I do strenuously object to any measure of incorporation or registration.

Q. What about filing returns?

A. We file returns with our membership.

Q. And the names and addresses of your officers, and your financial statements, and also financial statements to your members?

A. On the question of financial statements I would say No, for this very positive reason, that for a union to file its financial statement and indicate its full financial position would immediately arm an unscrupulous employer with sufficient information to know at what stage and for how long to provoke a union to go on strike and keep it on strike. If you examine the Kirkland Lake situation, I think that illustrates the point. The employer would say: "If they have only a limited amount of funds we will put them out on strike and keep them out there until their funds are exhausted."

MR. NEWLANDS: Q. Do you mean exhausted by strike pay?

A. Industrial unions of this type do not have strike pay; they have dues of only a dollar a month.

Q. Then how would that affect them financially?

A. Because it is a duty of an industrial organization to provide strike support and relief rather than strike pay.

MR. HABEL: Q. What were you going to say about the Kirkland Lake situation?

A. I think the length of the strike was based on an assumption of the financial position of those employees, and had the financial position been known it would have influenced that situation even more than it did. That is one reason why I say the filing of a balance sheet should not be compulsory.

There is another argument: This is a membership association, and as such its members are entitled to know its status. In our organization our members are informed monthly, by a monthly balance sheet from the international office, and every three months by an audited statement from our district office, so they have full knowledge of where their funds go. That is, I suggest, a much more democratic practice than is common among corporations. What percentage of corporations actually file public balance sheets in the press? I think it is a very small percentage. The only compulsion I know of to file such balance sheets is when such corporation has registered its shares on the market.

MR. FURLONG: Q. Oh, no, not here. You are not talking about Canada now.

A. It is Canada I am talking about, because on many occasions I have tried to find the balance sheet of a particular company and it was not of public record.

Q. All dominion companies have to file an annual statement?

A. They have to file it with the government, I presume.



Q. And all companies, both provincial and dominion, have to file an annual statement with their income tax return, so what you have stated is not correct. Would you have any objection to being compelled to have an annual meeting and elect officers regularly?

A. No; our constitution provides for monthly meetings and annual meetings and annual election of officers.

Q. I mean an annual election of officers?

A. That is set out in our constitution, both as to the time and method of conducting the election.

Q. Are you prepared to agree to the prohibiting of strikes while a bargaining agreement is alive?

A. During the life of a bargaining agreement we have an arbitration clause in it.

Q. And does that agreement say there shall be no strike?

A. No strike, stoppage of work, lock-out, etc.; and the decision as to the interpretation of the terms of the agreement shall be subject to arbitration final and binding. In other words, it is compulsory arbitration within the terms of that agreement. But I would not agree to compulsory arbitration on the revision of an agreement or on the negotiation of an agreement.

Q. That is, before the terms of your agreement have been settled?

A. Yes.

Q. But once an agreement has been signed you would agree to no strike while the agreement is alive, that is, during the life of the agreement?

A. When the terminating date of that agreement approaches the question of negotiating a new agreement arises.

Q. But generally you get around the table and negotiate for a new agreement a month before the old one expires?

A. Yes.

Q. And most of these agreements provide that they may run on for a certain time, probably a year, and thereafter until cancelled by a 30-day or 60-day notice?

A. Yes.

Q. So that they run on?

A. Yes.

MR. HABEL: Q. Would you say that the enactment of a collective bargaining law would eliminate fights and frictions among different unions?

A. It would go a very long way towards doing so.

MR. OLIVER: Q. A vote having been taken and 51 per cent deciding on what form the bargaining agreement will take, it is your thought that that 51 per cent shall constitute the bargaining agency?

A. Yes.

Q. With that I more or less agree, but I am not sure about the other point you made a few moments ago, that if 51 per cent of the employees showed their union cards that would constitute a strong argument for no vote being taken, and that that 51 per cent proven by the card count would constitute the bargaining majority?

A. The reasons I introduced that are these: We are faced with a peculiar situation to-day in regard to the operation of the Federal Department of Labour. In order to apply for a board of conciliation, as I mentioned before, a special meeting has to be called to take the strike vote, despite the fact that it is the principle of the union not to strike. Immediately you raise the question of a strike vote in a plant you are virtually indirectly agitating the employees in the plant on the question of a strike. Having got over that difficulty, you make application for a board, and a commissioner is sent in to investigate whether or not a board shall be established. In the last few cases we have been involved in the commissioner has insisted that prior to ordering a board to be established the union shall place on the table its membership cards to prove that they have a majority in that plant. Our contention is that at that stage the commissioner should, as his first act, order a vote to be taken to decide whether or not the employees wish to have that union, and on that basis establish his board if a board becomes necessary. We say if the government official asks for our membership records we will present them provided he will give us a guarantee that if our membership records disclose 51 per cent or better there is no need for a vote; that that is simply a duplication of the existing situation; and that the union, after having proved by its membership cards that it has a majority, should be recognized by law.

Now, if the employer does not choose to recognize that method then, first, the application should be made by the union, not by the employer. Second, if the employer does not choose to recognize that method, automatically a vote is taken by the government.

MR. MACKAY: Q. It would mean the government ascertaining from the 51 per cent membership cards whether or not they are definitely in good standing in your union. There is another angle, too, and most of us know this to be the fact, that some members of a union may be just half-heartedly in this union, and their cards may be in there but their vote might be registered differently.

A. Say you had 40 per cent signed members and a vote is taken in that plant, the vote would be 70 per cent, the reason being simply that when there is no protection for the worker the act of signing a card is an act that takes a

great deal of courage under present conditions, because of job insecurity arising out of that action and the action of his employer. So that if 35 per cent to 40 per cent sign cards, it indicates very conclusively that 70 per cent are in favour of the union.

Q. Why are you afraid to accept a ballot?

A. We are not afraid to accept a ballot, but we are putting forward the idea that it is an unsatisfactory practice to demand a union to show its membership records before getting a board of conciliation.

THE CHAIRMAN: Anyway, that is under dominion legislation.

MR. MURRAY: Q. And to secure that card you would have to pay a dollar?

A. Whatever the initiation fee is; in our case it is \$2.

THE CHAIRMAN: Q. Did you hear Mr. Mitchell's presentation this morning on behalf of the Bell Telephone Company's plant union?

A. No; I did not.

Q. It appears to be the opinion of the Committee that Mr. Mosher has no objection to a company union—I am stressing this because a large part of your brief is devoted to company unions, and we had quite a discussion here as to what a company union is—and he says that in the case where there is a secret ballot in a company and the majority of the people there vote for a company union free from any intimidation, he has no objection because that is free association, and those men have the right to elect representatives from among their fellow employees without any conference with anybody else at all. Have you any objection to a company union of that kind?

A. I have every objection to any company union.

MR. MACKAY: I doubt if I understood Mr. Mosher to say that a company union would be all right.

THE CHAIRMAN: As I recall, he described a company union, as he understood it, to be what the Minister understood it to be, namely, one that had been created through intimidation or through bribery or some interference on the part of the management. To that Mr. Mosher was entirely opposed, but if I am correct he did say in answer to a question put by myself that where the company union was the free expression of opinion by way of secret ballot and election of their own representatives from their own employees without any interference on the part of management in any manner, shape or form, he had no objection to that because that was free association and the democratic way of men electing their representatives. Have you any objection to that kind of company union?

A. Mr. Mosher differentiated between what we would call an independent union and a company union. I would hesitate to say at this moment whether the Bell Telephone employees' association is a company union or an independent



union. I would be rather prone to think that the Bell Telephone employees' association on examination probably would come within the category of a company union, and if they do come within that category, if it is shown that that union was not in reality the independent choice of the workers after they had had full opportunity to indicate that choice, I would say that only in very few instances would workers wilfully choose a so-called independent union if they had an opportunity to become part of a national or an international union.

Q. Mr. Mitchell says they have no objection to collective bargaining. As a matter of fact, the exhibit he put in was really a collective bargaining agreement between the members of the employees secretly elected to represent them without any interference on the part of the management, and that between eight of them and three of those representing management they drafted this agreement, which has been revised two or three times and which is perfectly satisfactory to both the management and the employees.

A. There is one principle I would like to put forward here: Why do workers join such a union such as the union of which I am an officer and which has its international and national affiliations? They join that union because through that union they secure the support of experienced people who are not employed in their particular plant. That is principle No. 1 in joining a union, that a group of employees in a plant, because they are working there from day to day and because there are so many avenues open to management, from the foreman up, to exercise discrimination, sometimes subtle and sometimes open, just feel they need some protection from outside the plant; and therefore they join the union where they can have, whenever necessary at any stage and in any difficulty that occurs, someone come in and sit down with their committee to help them to balance up the bargaining power and opposition of the two groups around that conference table. That is the reason that 99 times out of 100 a worker joins a union, to secure that protection. And the proof of it, if you will, is shown in the attitude of certain management when their employees have by vote overwhelmingly indicated that they want such a union: the management by various means of argumentation attempts to exclude from the negotiation of the agreement or from the interpretation of the terms of the agreement during the life of it, the representatives of that union who are not employees of the plant. I think that fairly conclusively substantiates the statement that employees join a union in order to have that outside protection, and I can cite you examples if you wish.

THE CHAIRMAN: Q. That is not my point?

A. That is where the analysis has to be made. You have introduced the Bell Telephone employees' association. Frankly I am not familiar with the manner in which it was set up or is conducted, but it would be my opinion that a full examination of that situation would reveal that those employees or that association are not fully independent in the sense that an organization that has affiliations or connections or leadership outside of the employ of the company would be.

Q. Mr. Mitchell represents 5,000 men, and he tells us they are perfectly happy and contented with the arrangements they have with the management. Would you go so far as to suggest that we recommend to the Legislature that that company be immediately outlawed?

A. I would put it this way, that what the Legislature will have to do is draw up a set of laws. The interpretation or practice of such laws will depend on the conditions in any given plant, and the best any law can do is set out the principles under which people wanting to exercise free choice may do so; that a company union as such be defined in specific terms as any organization where company management does not interfere in any way with the operation of the organization of their employees' choice. That part of it should be very specific.

Q. After it gets into working order?

A. Yes.

MR. MURRAY: Q. Are you in favour of big monopolies?

A. That sounds like a leading question.

Q. I presume that in the case of one big union you would have a big monopoly which would put the head of the union in the position of a dictator, and I think the government should be very careful not to allow a big monopoly, whether in industry or labour?

A. I would point out, in the first place, that in any industrial organization such as ours there are plenty of checks and balances throughout the organizational structure by means of district conventions, annual conventions, membership meetings, the right of recall of any officer, to protect the interest of the membership and prevent dictatorship from the top.

THE CHAIRMAN: Q. History shows that generally dictators are riding for a fall, anyway?

A. A few have attempted it in the labour movement, and they have fallen.

I did want to have Mr. Russell give you a short picture of the Underwood Elliott Fisher situation, because it is a classic example of intimidation.

THE CHAIRMAN: Then we shall hear him now.

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ROSS RUSSELL, sworn. Examination by MR. FURLONG:

Q. What is your office in this organization?

A. Field organizer.

Q. In Canada?

A. Yes.

Q. Are you from the other side?

A. Oh, no.

Q. You are a Canadian?

A. Yes,

Q. Proceed?

A. On the question of the Underwood Elliott Fisher, about three and a half weeks ago a group of workers from the plant—

THE CHAIRMAN: Q. Pardon me, how many employees have they?

A. There are two divisions. The service division has 108, including the managerial staff, and that is the division we are mainly concerned with; the manufacturing division has approximately 200.

Q. Proceed?

A. About three and a half weeks ago we were approached by a group of employees from the service department of the Underwood Elliott Fisher Company.

Q. By "we" you mean whom?

A. Our union officers.

Q. That is the United Electrical, Radio and Machine Workers of America?

A. Yes. I was asked to help them in their organizational efforts and I did so. We held two meetings, to be exact, inside of seven days. On the eighth day the company posted a notice in both plants stating that work would cease at 3.30 instead of 5.00 and 5.30 respectively, and that there would be a mass meeting held in a special chamber they have upstairs, and all employees were told to attend this meeting. The meeting was addressed by the president of the company who outlined to them the formation of a company union that they were going to start immediately, and he pointed out that within the next two days they would have a ballot and elect their own officers. Some of the people who are members asked for the right to speak, and were allowed to do so. They objected, and asked the president if he had any objection to postponing this matter for two weeks so that the maximum number of employees could understand both sides of the picture, and then would be in a better position to understand what it was they would be voting on. He agreed to this.

However, the very next day, despite his agreement, they went ahead with this ballot. The ballot was conducted fairly democratically. They had their cardboard boxes sealed up with respect to the election of officers in each department. As Mr. Jackson pointed out, over 90 per cent of the people in both divisions are members, and these two groups got together and drew up a petition stating that although they were the elected representatives they were in favour of a bona fide union, and therefore would suggest to the management that a government-supervised vote be held in as short a period of time as possible to vote on whether or not the employees should have a company union or, as they call it, a bona fide union of the United Electrical, Radio and Machine Workers of America. Both bodies were dismissed the following day.



Q. Do you mean discharged?

A. No, not discharged; but their functions as representatives of the various departments were terminated. Then the company immediately started a new system whereby they gave the foremen pads and pencils and the foremen called in each person in his department and engaged them in conversation and asked: "Do you want a company union? Do you want to put your name down here? If you don't, things may not be so good."

The second day after that we received in our office eleven letters from juniors. They have there what they call juniors, youngsters ranging from fifteen to seventeen years. These juniors sent us letters with their signatures on, but they made rather an error in that the eleven letters were on exactly the same paper and in exactly the same envelopes, which are the envelopes used by the Underwood Elliott Fisher Company, and the typing was done on the same typewriter, and the wording was practically the same in all eleven letters.

When this took place I attempted to get in touch with the president personally but could not do so. I got in touch with the personnel manager, who agreed to see me. I suggested to him that he agree to take a government-supervised vote, and he said he would think it over and discuss it with the president, and made an appointment for three days hence with me. However, on the following day I received a letter from him pointing out that it was not necessary, in his opinion, as they had conducted their own new election and found that the majority of the people were in favour of their company union.

Now, some very peculiar things happened. Amongst these eleven letters we received from juniors we found that in at least one case, and probably more—we could bring witnesses here—someone had gone around and offered to give back to them—these juniors are making small fees and cannot afford to pay the \$2 initiation fee required by our union, so they pay \$1 down, and a week or two hence they pay the second dollar—someone went around and offered to give back to them their original dollar. In one case at least we can have a person come here to swear that he accepted the dollar given to him to buy him off and used it to pay his second dollar on the initiation fee. (Laughter.)

Then at the same time people were let out up in the manufacturing end. There were two or three, shall we say, leading union people, and it is interesting to note that the leading union people in the service division where we have a majority at present and have asked for a board are people who have been working for the company for fifteen to seventeen years, skilled mechanics. Last week-end I got a call from one of them who is an ardent bowler and who goes bowling every week at the same time exactly. Last week he was not feeling well and did not go bowling, and ten minutes after he was supposed to have left the house the police walked into his house and demanded to search, and wanted to know what he had hidden in there. He said he did not have anything hidden, but if they had a warrant they could search the house, or if they had a warrant for his arrest, he would go quietly with them. They did not have the warrant, and he told them to get out.

Q. What police?

A. The city police—it may have been the provincial, but I think it was the city police.

Q. Yes?

A. Then the day before yesterday, just as soon as he came back from lunch the police picked him up again and took him to the office at headquarters and kept him there for three hours. He demanded to leave, and started to walk out, but he is only a little fellow and a big policeman picked him up and put him back in the chair, so he did not try again.

Q. You do not know whether it was the city police?

A. No.

MR. HAGEY: Q. Do you know what the charge was?

A. No; they would not lay any charges.

MR. HAGEY: Perhaps he has ground for action.

MR. FURLONG: Has he seen a lawyer yet? (Laughter.)

WITNESS: I just wish to point out some of the tactics that have been used. I understand that to-day two people were fired. I got a rush call just a few moments before I left to come here to say that two young girls, who are members of the union and who had attended our meeting the other night when we had to take a strike vote in accordance with the law, had been fired.

This meeting was conducted at the Y.M.C.A. close by the plant, and I got a note saying the executive secretary of the Y.M.C.A. would like to see me when the meeting was over, and he told me he was very sorry but we could not hold any more meetings in their place. I asked him if we had done anything wrong. Well, anyway, he told me eventually that the Underwood Elliott Fisher Company had put considerable pressure on him, and he was of opinion that we were calling a strike. It was necessary to explain to him the law that we are forced to take a strike vote in order to get a board.

These are just some of the forms of intimidation that have been carried on there. I could go on for a considerable period, but I think the reporter's arm might be broken.

MR. FURLONG: I think what Mr. Jackson has stated and the example you have given are ample for the purposes of the Committee along that line. Thank you.

Whereupon the Committee adjourned at 4.20 o'clock p.m. until 1.30 o'clock p.m. on Monday, March 8, A.D. 1943.

## FIFTH SITTING

Parliament Buildings, Toronto,  
Monday, March 8, 1943, at 1.30 p.m.

Present: Messrs. Clark (Chairman), Anderson, Gardhouse, Habel, Hagey, Newlands, Oliver, MacKay, and Murray.

Mr. W. H. Furlong, K.C., Counsel to the Select Committee.

Mr. J. Finkelman, Adviser to the Committee.

Mr. J. B. Aylesworth, K.C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.

Mr. D. W. Lang, K.C., Counsel for the Canadian Manufacturers' Association (Ontario Division).

Mr. F. A. Brewin, Counsel for the United Steel Workers of America.

Mr. Percy R. Bengough, Acting President of the Trades and Labour Congress of Canada (A.F. of L.).

Mr. J. A. Sullivan, Vice-President of the Trades and Labour Congress of Canada (A.F. of L.) and President of the Canadian Seamen's Union.

Mr. John Gavin, Chairman of Ontario Executive of Trades and Labour Congress of Canada.

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AFTERNOON SESSION

THE CHAIRMAN: The Committee will please come to order.

Mr. Furlong, what is the order of business this afternoon?

MR. FURLONG: Mr. Chairman, I have here a number of cards similar to Exhibit No. 4. There are 215 in one bundle and 435 in another. I shall file them. I think they are from Mr. Pat Sullivan's Seamen's Union.

EXHIBIT NO. 28: Postcard postmarked March 5, 1943, addressed to The Hon. Gordon Conant, Prime Minister of Ontario, Queen's Park, Toronto, and reading:

"I, a citizen of Ontario, urge you to introduce and adopt a genuine collective bargaining Bill in the present session of the Legislature as you publicly pledged to do. Your assurance of adopting such legislation was welcomed and greeted by all who desire labour-management co-operation and national unity to win this war.

It is apparent that small but powerful selfish groups have loosed a



reckless campaign to prevent the enactment of the legislation you promised to enact. Your Government must not capitulate to that reactionary pressure.

I urge you to proceed along the lines which you followed up to a few days before the opening of the present session. In doing so you will have the wholehearted support of all workers and of all right-thinking people in Ontario who want unity, and all-out effort, and a democratic labour policy in accord with the modest wishes of organized labour.

Name: H. Kamiel.

Address: 373 Crawford St., Toronto.

Sponsored by The Canadian Seamen's Union."

MR. FURLONG: Then I have here a letter from the Council of the City of Oshawa, dated March 5, 1943:

"CORPORATION OF THE CITY OF OSHAWA

March 5, 1943.

G. D. Conant, Esq., K.C.,  
Premier, Province of Ontario,  
Parliament Buildings,  
Toronto, Ontario.

Dear Sir:—

The Council of the City of Oshawa, at their meeting on March 1st, endorsed the resolution of the Council of the City of Toronto, petitioning the Provincial Government to enact a modern Collective Bargaining Bill, at the present Session.

Respectfully yours,

(Sgd.) F. E. Hare,  
Clerk."

EXHIBIT No. 29: Letter dated March 5, 1943, from the Council of the City of Oshawa, per F. E. Hare, Clerk.

MR. FURLONG: Then I have received a large number of petitions signed by many persons. The contents of these petitions appear to be the same. They are from the employees of the Massey-Harris Company. I will read the first one:

"PETITION

To the Ontario Government for the Immediate Passing of Collective Bargaining Legislation to Enable Free Labour to do its Full Share in Winning the War.

We, the undersigned employees of Massey-Harris Co. urge you at this critical phase of the Canadian war offensive to adopt the proposed labour legislation providing an unqualified guarantee of the right of democratic trade union organization and collective bargaining.

Labour legislation will enable workers to divert energies used in defending themselves against reactionary industrialists opposed to free labour unions, towards achieving maximum production necessary for the offensive on the continent of Europe and other parts of the world.

Ontario labour wants to do everything to bring about Labour-Management Government co-operation for all-out production. With this conviction we urge upon you the necessity of rejecting the demands of anti-labour organizations that this Bill be discarded. We expect our Ontario Government to stand behind its pledge to labour."

They are all the same, and I would say there are 1,000 names there.

EXHIBIT No. 30: Bundle of petitions from employees of Massey-Harris Company to the Ontario Government re Collective Bargaining legislation.

MR. FURLONG: Then I have a petition from the United Steelworkers of America, Local 2514, reading:

"UNITED STEELWORKERS OF AMERICA  
LOCAL 2514

March 5, 1943.

Mr. Patterson Farmer,  
Room 220,  
Parliament Buildings,  
Toronto.

Dear Sir:

Please accept this petition from the members and executive of Local 2514, United Steelworkers of America, asking for a recommendation from your Committee in favour of a Collective Bargaining Bill similar to the one promised by the Ontario Government.

I do not apologize for the condition in which you find this petition, as it is signed by two hundred and forty workers, who are working towards a total war effort, despite opposition from numerous sources; and it was signed during working hours.

Yours respectfully,

(Sgd.) Albert Rawlins,  
Secretary."

Attached to that letter are five ruled foolscap sheets, each headed:

"We, the undersigned members of Local 2514 of the United Steel-

workers of America, believing that a Collective Bargaining Bill on the lines as promised by the Ontario Government is conducive to peace in industry, and a needed stimulant to war production, so vital in this year of promised offensive action, beseech you to implement the Government's promise by submitting a favourable recommendation."

Each of the five pages is filled with signatures.

EXHIBIT No. 31: Letter dated March 5, 1943, from the United Steelworkers of America, Local 2514, addressed to Mr. Patterson Farmer, and enclosing five foolscap sheets of signatures to the foregoing petition.

MR. FURLONG: Then I have another petition from the employees of Precision Dies & Casting Co., Ltd., Toronto, reading:

"We, the employees of Precision Dies & Casting Co., Ltd., Toronto, urge that the present sitting Committee sees fit, in the interest of maximum production and a total war effort, to recommend a genuine collective bargaining Bill."

There are three sheets filled with signatures.

EXHIBIT No. 32: Undated petition from employees of Precision Dies & Casting Company, Limited, Toronto, re collective bargaining Bill.

MR. FURLONG: Then I have a petition from the employees of the Ward Street C.G.E., which I assume means Canadian General Electric, reading:

"We, the employees of Ward St. C.G.E., urge immediate enactment of a genuine collective bargaining Bill as an essential measure for Total War."

I suppose there are about 100 names on that exhibit.

EXHIBIT No. 33: Undated petition from the employees of Ward Street C.G.E. re collective bargaining Bill.

MR. FURLONG: Then there is a petition from the employees of the Royce Avenue Works, C.G.E., reading:

"We, the employees of Royce Ave. Works, C.G.E., urge the immediate enactment of a genuine collective bargaining Bill as an essential measure for Total War."

That will be attached to Exhibit No. 33.

Then there is another bundle of cards which will form part of Exhibit No. 28.

Then I have here a resolution from the City of Welland, reading:



"Welland, Ont., March 4th, 1943.

Honoured Sir:

The following is a copy of a resolution passed by the Council of the Corporation of the City of Welland, at a meeting held on March 2nd, 1943:

'Whereas the interests of our effort demand maximum and uninterrupted war production, co-operation between labour and management and the elimination of all factors which impede production and cause national disunity; and

Whereas the adopted and proper application of collective bargaining legislation would remove one of the chief causes of industrial disputes in wartime; and

Whereas all labour organizations in Canada have appealed for collective bargaining legislation as already exists in Great Britain, the United States of America and other democratic countries and which is in accord with the principles of the Atlantic Charter to which we are committed;

Be it therefore Resolved that this Council petition the Government of the Province of Ontario and request that it do, at the present Session of the House, enact a modern Collective Bargaining Bill.'

I have the honour to be, Sir,

Your obedient servant,

(Sgd.) J. D. Watt,  
City Clerk.

Honourable G. D. Conant,  
Premier of Ontario,  
Parliament Buildings,  
Toronto Ontario."

EXHIBIT NO. 34: Letter dated March 4, 1943, from J. D. Watt, City Clerk, City of Welland, to the Honourable G. D. Conant, setting out copy of resolution passed by council of the corporation at a meeting held on March 2, 1943.

MR. FURLONG: Then I have here a resolution from the City of Windsor, dated March 4, 1943:

"March 4, 1943.

Dear Sir:

I beg to advise you of the following recommendation of the Board of Control, adopted by City Council at a regular meeting held March 2, 1943:

'37. That whereas it is desirable to take all steps to ensure the very maximum of wartime production, one of which is the achievement of the greatest measure of co-operation between labour and management;

and whereas this condition will be assisted by the adoption of collective bargaining legislation as already exists in Great Britain and the United States of America; therefore be it resolved that this Council petition the Government of the Province of Ontario to enact at this session of the Legislature a collective bargaining Bill such as has been under consideration by the Department of Labour for some time.'

Yours very truly,

(Sgd.) C. V. Waters,  
City Clerk.

Copy to:  
Hon. Peter Heenan,  
Minister of Labour.

The Honourable G. D. Conant,  
Premier of Ontario,  
Parliament Buildings,  
Toronto, Ontario."

EXHIBIT No. 35: Letter dated March 4, 1943, from C. V. Waters, City Clerk, City of Windsor, to the Hon. G. D. Conant, setting out recommendation of Board of Control adopted by City Council on March 2, 1943.

MR. FURLONG: Then I have here a bundle of petitions which appear to be all the same, whoever placed them before me. Are those from your organization, Mr. Bengough?

MR. BENGOUGH: They are from Windsor.

MR. FURLONG: Thank you. The petition reads:

"PETITION

We, the undersigned, petition the Ontario Legislature, to work with all the energy at its command, for the speedy enactment of a Bill guaranteeing the right of Labour in Ontario to collective bargaining, through the unions of its choice and outlawing company unions and banning discrimination by employers against employees for union activity."

They are all the same.

You say these all come from Windsor, Mr. Bengough?

MR. BENGOUGH: Yes.

MR. FURLONG: Our boys are really active, Mr. Chairman!

MR. SULLIVAN: I understand that you will receive 40,000 more during this week, Mr. Chairman.

EXHIBIT No. 36: Bundle of petitions from members of Trades and Labour Congress of Canada (A.F. of L.), Windsor, Ontario.

MR. FURLONG: This afternoon, Mr. Chairman, has been set aside for the Trades and Labour Congress, and I understand that Mr. Percy Bengough, the acting-president, Mr. "Pat" Sullivan, the vice-president, Mr. John Gavin, chairman of the Ontario Executive, and Mr. John F. Cauley, a member of the Ontario Executive, are here to represent the Congress.

Who wishes to speak first?

MR. BENGOUGH: Mr. Sullivan.

MR. FURLONG: Will you please come forward, Mr. Sullivan.

JOHN A. SULLIVAN, sworn. Examined by MR. FURLONG:

Q. Mr. Sullivan, what is your full name?

A. John Alvin Sullivan.

Q. What office do you occupy in your organization?

A. I am president of the Canadian Seamen's Union.

Q. I take it that that union is affiliated with—?

A. With the International Seamen's Union of North America.

Q. And does that union come under the control of the Trades and Labour Congress?

A. It is affiliated through our international office with the Trades and Labour Congress of Canada.

Q. Your organization is the American Federation of Labour?

A. Yes.

Q. And I understand that the A.F. of L. is the father of them all?

A. That is right.

Q. How many locals come under the parent body known as the Trades and Labour Congress?

A. In the Dominion?

Q. Yes?

A. We have in the Dominion 1,822 local unions throughout Canada.

Q. How many members would they represent?

A. 264,375 according to our latest turn-in, which was approximately two months ago.



Q. How many of those locals are in Ontario?

A. In Ontario we have 765 local unions.

Q. And how many members?

A. A membership of 98,462.

Q. I think that is all I need ask you at the moment. Please proceed with your brief?

A. So that I shall not interrupt anybody, I will take a glass of water first. By the way, I am also vice-president of the Trades and Labour Congress of Canada.

"SUBMISSION ON BEHALF OF THE TRADES AND LABOUR CONGRESS OF CANADA  
TO THE SELECT COMMITTEE ON LABOUR APPOINTED  
BY THE LEGISLATIVE ASSEMBLY OF ONTARIO

I appear before this Committee in my capacity as a National Officer of the Trades and Labour Congress of Canada, and I represent in that behalf 264,375 trade unionists organized in 1,822 local unions throughout Canada. More particularly, I speak here to-day for 98,462 Ontario trade unionists associated in 765 local unions, affiliated to or chartered by the Trades and Labour Congress of Canada. These local unions are situated in all the cities and towns of this Province and they cover every variety of industry. The vast majority of these industries are engaged in war production, as appears from the following partial enumeration: Aircraft production, construction, manufacture of munitions of war and supplies, metal trades, needle trades, pulp and paper, shipbuilding and transportation.

The organized workers whom I represent, and I believe the public at large, welcome the manifestation by the Government of Ontario of its intention to bring down and enact a collective bargaining Bill during the present session of the Legislature. We view its enactment as an indispensable spur to the strengthening of our democracy in these stern days of war. We believe that it will serve the immediate needs of the war. Hard fighting lies ahead of our troops. They must be sustained by superhuman efforts on the production lines. A collective bargaining Bill at this time will evoke an enthusiasm and lift the hearts of our workers at a very psychological moment, at a time when our military leaders are on the verge of beginning a great push for final victory. We consider that a collective bargaining Bill will serve as a beacon of hope pointing the way to a promising future for the common man in the post-war reconstruction period. Moreover, such a bill will be an important stabilizing element in relation to the problems that will beset us in the reconstruction era. The working men and women of Ontario, in whose names I speak, rejoice that the Government of Ontario may at long last give legislative expression to fundamental principles of industrial democracy and thus range this Province alongside of Great Britain, Australia, New Zealand and the United States, countries in which these principles have long been established, both by settled practice and legislation.

It is only right that our position on collective bargaining should be presented to you frankly, clearly and without ambiguity. But, I must first of all, in the interests of truth and for the sake of our integrity, dispel certain fears and allay suspicions which have been cultivated in the public mind by a campaign of distortion and active misrepresentation. While it is our policy to encourage the formation of trade unions, we do not view collective bargaining legislation as a means of forcing every worker to join a trade union. Still less do we view collective bargaining legislation as a means of forcing organized workers to affiliate to the Trades and Labour Congress of Canada. We recognize that independent unions are entitled to maintain their separate existence and to enjoy the benefits which flow from bona fide trade union organization. Such unions are our allies on the production lines. But let me assert here, that we reject emphatically any alliance or association with that illegitimate child of industrialism—the company union.

A neutral observer of employer-employee relations in Ontario, say a person from Great Britain, would be astonished to find an archaic system in operation in this Province, a system which pays tribute to conflict rather than to co-operation. There is a theoretical recognition of the title of trade unions in existence—ever since the criminal taint was removed from trade unions in Canada, in 1872, there has been no legal obstacle to their formation—but prodigious efforts are expended to prevent their formation and to sterilize the functions of those that manage to be born. Our British observer, coming from a country where trade unionism has been woven into the fabric of its industrial and political life, would find evidence to support the view that in Ontario we have not yet fairly taken the first hurdle towards industrial democracy—the right of workers to organize freely and to bargain collectively with their employers respecting conditions of employment. Our neutral observer might well conclude from an appraisal of the statistics of labour disputes that freedom of association, which is so widely accepted in the sphere of politics, has yet to be realized in Ontario as an effective principle in the area of industrial relations.

Freedom of association industrially means freedom of workers to create their own organizations for self representation. In a passive sense, freedom of association involves freedom from fear of penalty or intimidation by an employer. In an active sense, it involves the right of a workers' organization to function for its intended purposes. Under the law of Ontario as it stands, employers are not required to give their workers' organizations the opportunity to function in their members' interests. In other words, employers need not bargain collectively with unions, need not meet with them to consider questions affecting the conditions of employment of their members. This refusal of employers to meet with trade unions is spoken of as a refusal 'to recognize the union.' The reasons given for such refusals will not bear close examination. Trade unions have no desire to dictate industrial policy; they have no wish to instruct an employer on the methods which he should use in financing his business or marketing his products. But as organizations composed of and representing employees, trade unions are entitled to a voice in the determination of those aspects of an employer's business which directly concern the employment of workers. If an employer can speak with a single voice to his employees, there is no reason to deny to them the right to speak with a single voice to the employer.

It should be said in all fairness, that many employers in Ontario have preferred to take an enlightened path and to profit by the experience of Great Britain, Australia, New Zealand, the United States and other Provinces of Canada. But so many employers, especially so many powerful corporation employers have preferred to remain feudal in their conception of industrial relations, that they have imperilled the movement towards industrial democracy. The Legislature of Ontario is now called upon to bridge the gap between the system of industrial relations which is in effect in other parts of the British Commonwealth of Nations and in the United States, and that system, which is still a permissible pursuit in Ontario, which chokes the proper aspirations of the working men and women of the Province.

It is no abstract reasoning that we offer in support of the need for a collective bargaining law. If as much attention were called to the causes of industrial disputes as to the fact that there are industrial disputes, the public would have a clearer appreciation of the responsibility which recalcitrant employers bear for interruptions in production. We must not confuse the symptoms with the disease. Statistics of the Federal Labour Department and of the Ontario Department of Labour reveal with telling effect the extent to which the refusals of employers to bargain collectively, that is, refusals to recognize or to meet with trade unions, have resulted in industrial conflict. Thus, the report of the Ontario Department of Labour for 1942 states, at page 28:

'Most of the cases involving mediation included the question of collective bargaining and union recognition. The absence of machinery for dealing with these matters, added to the difficulties with which our officers were faced.'

The reports of the Dominion Department of Labour reveal that during the calendar year 1942 there were 104 disputes in respect of which applications were made for boards of conciliation and investigation, under the Industrial Disputes Investigation Act, and of these 77 involved the question of union recognition or collective bargaining. During the calendar year 1941 there were 143 such disputes and of these 89 involved the question of union recognition. During the calendar year 1940 there were 66 such disputes and approximately 40 involved the question of union recognition. These figures emphasize that the characteristic feature of industrial relations in Ontario is the struggle of unions for simple existence. Until the threat to their existence is removed, until unions are able to function in collective bargaining in fulfilment of the purpose for which they are formed, they will remain severely handicapped in their attempts to discharge their obligations towards their members and to the public at large. It is grossly unfair that unions should be harried and pilloried into a precarious existence and then be castigated for failing to measure up to an ideal standard. Let no stones be cast at organizations whose total energies must be expended in frustrating attempts to destroy them. Unions in Ontario have a proud record of achievement, notwithstanding the difficulties which dog them through no fault of their own.

The figures which I have quoted do not, however, tell the whole story.



Disputes can arise only if there is at least the nucleus of an organization in existence. In countless cases, employees are so intimidated that they are never in a position to bring their grievances to any issue. They are so restricted in the exercise of any freedom of action that they are never in a position to organize for their mutual aid and protection. In the establishments where such a condition prevails, any attempts to organize are quickly met by the management by making an example of, that is, by discharging, the promoters, whom the management usually refers to as the agitators. The Trades and Labour Congress of Canada takes the stand that freedom of organization, freedom of association, is crucial to the consideration of a collective bargaining law. So long as the main problem that our workers have to contend with is a problem of organization, only the negative aspects of collective bargaining may seem to bulk large. Given a guarantee of freedom of association and freedom of organization, workers, as the experience in Great Britain and in the United States clearly demonstrates, are capable of contributing positively to the welfare of their industry and of their country.

Trade unions are formed to redress inequalities in the bargaining position of individual workers. It requires no demonstration that an individual worker is in a helpless economic position in relation to his employer. Through the trade union the worker finds an avenue for expression and fulfilment of his personality as an industrial employee. Much is often made of the fact that a worker's liberty of contract must be preserved. But only collective bargaining can establish that equality of position between employer and workers in which liberty of contract begins. Collective bargaining is more than a technique of settling wages and hours and other conditions of employment. Collective bargaining is important in affording some guarantee to workers of security in their jobs. The property interest which employers claim in their businesses stands on no higher plane than the property interest of the worker in his job. In addition, collective bargaining offers some assurance that grievances will be fairly and impartially adjusted. Where collective bargaining is established, there is some guarantee that changes in industrial methods will not be made in utter disregard of the welfare and interests of the workers. Where collective bargaining is in operation industry is better stabilized, if only because a major source of industrial conflict has been removed. Acceptance of collective bargaining assists in the elimination of competitive advantages, which often exist through wage cutting and through keeping workers in parts of an industry in an unorganized and subservient state. Finally, the establishment of collective bargaining must inevitably give employees a sense of participation in the problems confronting the plant and the industry in which they work. Collective bargaining, in other words, leads to emphasis on mutual interest, rather than on conflict. The sharing of responsibility between labour and management will make both more eager to measure up to a higher conception of their reciprocal rights and duties, and this will inevitably redound to the public advantage. Not only will it achieve the widest measure of industrial peace, but it will tell in the rise in production figures, in cutting down costs, in eliminating frills and generally in promoting sound business practices.

Attempts have been made and will be made to represent that collective bargaining legislation is unnecessary because there is general acceptance

of the principle of collective bargaining. In view of existing evidence of the extent to which trade union organization is prevented and discouraged, and in view of the number of industrial disputes in which collective bargaining has been the point in issue, the contention that collective bargaining legislation is unnecessary is made either by those who are ignorant of the facts or who espouse a different principle of collective bargaining than that understood and supported by organized labour and students of labour relations. This much let me say now—employers who believe in and practise genuine collective bargaining will not oppose collective bargaining legislation. Employers who do object to a collective bargaining Bill are precisely those persons and firms who will not be persuaded in favour of genuine collective bargaining short of effective legislation or outright strife. The Trades and Labour Congress of Canada says, 'better legislation than strife.' Those who are devoted to and recognize the value of collective bargaining will have nothing to fear from a collective bargaining Bill, but we would say to opponents of a Bill that they need not mask their opposition by subtleties. We know that opposition to collective bargaining legislation on the ground that the principle of collective bargaining is generally accepted is merely an expedient by which anti-union employers, if they are successful in forestalling the enactment of collective bargaining legislation hope to keep themselves free to pursue their main objective, which is to defeat the purposes, if not to bring about the destruction of trade union organization. We know that they pay lip service to collective bargaining—they are for it, so long as no steps are taken to make it effective.

We are aware of the fact that in Great Britain there is no legislation making collective bargaining compulsory. So what? Will Ontario employers agree to give workers here the same privileges and advantages which English workers enjoy through legislation and through practice. If so, we can dispense with the collective bargaining Bill. But we know the facts in Ontario. We, in this Province, are in some respects, in the position of the England of 1870. Are we then to experience 70 more years of frustration before achieving a measure of sanity in industrial relations? Are we incapable of catching up on our own backwardness? Other Canadian provinces have at least tried to meet a similar situation by legislation—so has the United States. It is the Legislature's function to give expression in legislation to social policies which are desirable in the public interest. It is our sincere submission that the Legislature can do no greater credit to itself or better justify to the electorate, than by carrying through a genuine collective bargaining Bill.

I turn now to a consideration of what in our sober opinion are the reasonable requirements of a proper collective bargaining Bill. We feel that we will be of greater assistance to the Committee if we make some specific proposals on the subject of collective bargaining—but we do so without feeling that we are under any obligation to accept responsibility for what the Committee or the Government or the Legislature of Ontario may finally do."

In other words, Mr. Chairman, we are giving you the baby!

"1. A collective bargaining Bill must be first of all a Bill which guaran-

tees in explicit terms, freedom of association and self organization by workers without intimidation and without coercion and without discrimination; without restriction or exercise of influence of domination by employers. If there is to be any hope of effective and genuine collective bargaining, freedom of association must be put beyond dispute. Collective bargaining presupposed that there is collectivity or organization of workers, and hence adequate assurance for organization must be given.

2. The assurance of freedom to organize must be given to all employees be they manual, clerical, technical or professional workers. Agents of employers or persons on any employer's payroll having power to hire and fire, should be excluded from the category of employees to whom collective bargaining benefits are to be extended.

3. A collective bargaining Bill should bring within its scope all employees engaged in any industry, trade or business, in the Province, as well as municipalities, school boards and other such public bodies.

4. The term 'collective bargaining' should be defined with some precision. At the very least, it should include negotiations by an employer in good faith with his employees as a group, on matters relating to wages, hours and other conditions of employment, with intent to reach an agreement for some fixed period of time.

5. An enforceable legal duty should be imposed upon employers to bargain collectively with the representatives of that organization of their employees which, being properly ascertained, is entitled to represent them for that purpose. To allow employees to organize and to be represented by representatives of their own choice has very little meaning from the standpoint of industrial peace unless the employer is compelled to recognize and bargain with them. It is the absence of any such duty, under the law as it stands, and the refusal of employers to subscribe to such a duty as a matter of practice, which has been the stumbling block in the achievement of mutually satisfactory relations between employers and employees under the terms of collective agreements. The legal duty to bargain collectively with employees should not be affected by the existence of any strike or lockout. The employees do not cease to be such merely because a strike or lockout is in existence and moreover, collective bargaining would be a major factor in ending any such dispute.

6. A collective bargaining Bill should provide for the determination of the collective bargaining unit in any plant or industry. This may, as a practical matter, depend on existing bona fide employee organization in any plant or industry, or on the way in which a plant or industry lends itself to collective bargaining in the best interests of employers and employees, and above all, of industrial peace. At all events, flexibility should be maintained so that the collective bargaining unit may be a craft or trade within a plant or all the production employees of a plant, or all office and production employees of a plant or, perhaps, all employees of several plants owned by the same employer. In the final analysis, determination of the collective bargaining unit must be a matter of common sense.



7. Provisions should be made for taking a vote, if necessary, of employees within any fixed collective bargaining unit, in order to determine, whenever such determination becomes necessary, their choice of representatives for collective bargaining. The vote should, of course, be by secret ballot, under impartial auspices and care should be taken that in determining the eligibility to vote of employees within a bargaining unit, any employees who may have been discharged, locked out, shifted or demoted in violation by the employer of his duties under the proposed Bill, should be permitted to participate in the election.

8. It should not, of course, be necessary to take a vote if the employer agrees to bargain collectively with a trade union properly claiming to represent his employees, unless objections are raised to the right of the trade union to represent the employees or to the scope of the collective bargaining unit, if this latter problem bears on the propriety of the trade union's claim to be the collective bargaining agency.

9. Collective bargaining rights within any collective bargaining unit should be given to the representatives of the majority of the employees within the unit. Political democracy proceeds upon the basis of majority rule and no different principle can be legitimately invoked in industrial democracy.

10. Collective bargaining rights so given should be exclusive. There can only be one collective agreement in any collective bargaining unit. We invite chaos and insure the defeat of the purposes of collective bargaining, unless we make collective bargaining rights exclusive for each collective bargaining unit.

11. Where exclusive bargaining rights are awarded to a particular trade union because it represents a majority of the employees in the collective bargaining unit, it may be desirable to certify to that fact. The certification should be valid until successfully challenged, but at all events, for some fixed period, say, for one year from its date.

12. Yellow dog contracts should be made unlawful and unenforceable. Such contracts should include for the purpose of the proposed bill, not only contracts by which individual employees agree not to join or to resign from some trade union, but also any arrangements between an employer and any employees which would be inconsistent with the rights given by the Bill. In other words, we suggest that it be made impossible legally to contract out of the benefits of the proposed Bill, just as it is impossible legally to contract out of the benefits of the Workmen's Compensation Act.

13. Only bona fide trade unions or genuine employees' organizations should be accorded benefits under any proposed collective bargaining legislation. We are firm in our view that that counterfeit species of so-called employee-organization, usually known as the 'company union' (and also known as a plant council or work's council, or employees' committee), should be denied any standing under a collective bargaining Bill. The company union (the phrase incidentally is a contradiction in terms) is a device for forestalling or undermining genuine trade union organization. In one aspect,

it is the application of the principle of the yellow dog contract on a grand scale. It is essentially a parasitic organization feeding on the gains of genuine trade unionism and seeking to camouflage its real purposes by imitating trade union organization and techniques. It comes into existence under the inspiration of the employer and is influenced, dominated or supported financially and otherwise by him. It is not truly a workers' organization; it has no real power to make its own decisions and the scope of its activities is subject to the employer's whim. A collective bargaining Bill cannot by its very nature, if truly a collective bargaining Bill, give any status to any group of employees in the organization and activities of which the employer is directly or indirectly concerned. We cannot have true collective bargaining between an employer and his shadow. Of course, the question has been raised, suppose the majority of employees vote for a company union? The answer is that since a company union is a negation of freedom of association and of the right of self-organization, a vote for such an agency is not a free vote; but one which partakes of the nature of a Hitler plebiscite. Any employer who subscribes to genuine collective bargaining cannot unashamedly underwrite a company union. Collective bargaining is a procedure by which the workers express themselves through representatives of their own choosing, not through representatives which are selected or nominated or approved by the employer. Let me then place before you, our unequivocal position in this matter; we want no Bill and we oppose a Bill which will give legal protection or recognition to company unions, so that anti-union employers may seek to destroy us at their leisure under the benevolent protection of the law. If industrial peace and harmonious relations are paramount considerations, this Committee will perform a public service in rejecting any pleas for inclusion of company unions in a collective Bargaining bill.

14. Trade unions should be freed from the effect of the common law doctrine of restraint of trade. This doctrine was developed by the English courts over one hundred years ago, under the influence of a social and economic philosophy which is no longer with us. The effect of the doctrine is to place many trade unions under civil disability. The doctrine has persisted because it became a precedent which the courts felt obliged to follow. Public policy has changed since the doctrine was established and it is an anachronism in present-day law. Refreshingly enough, the doctrine of restraint of trade never took root in the United States. It was finally abolished by legislation in Great Britain in 1871. It is high time Ontario took the same step, so as to bring itself into line with Great Britain and the United States.

15. Trade unions should be protected from legal proceedings which may be instituted as a result of the acts of any of their members done in connection with or arising out of any labour dispute. The individual members themselves must of course accept responsibility for their acts, but we cannot but be apprehensive that trade unions may be overwhelmed by litigation which may threaten their security. The experience in England indicates that protection against lawsuits is necessary if trade unions are to be free to carry out their functions in the interests of their own members, and of peaceful labour relations. Protection against legal proceedings was given to English trade unions in 1906, and the Trades and Labour Congress of Canada

is of the opinion that similar protection should be afforded to trade unions in Ontario.

16. In order effectively to guarantee the rights which a collective bargaining Bill should properly give, employers should be prohibited from engaging in activities which would result in the denial of such rights. Thus, it should be provided that employers are prohibited from interfering with or denying to employees freedom of association or the right to self organization or to collective bargaining. They should be prohibited from interfering in any way, whether directly or indirectly, with the formation, operation, and administration of any trade union or organization of employees. They should be prohibited from discriminating against any employee or from discharging or suspending or demoting him in violation of the provisions of the proposed Bill. They should be prohibited from interfering with or discriminating in favour of or against any labour organization, or in favour of or against any person in regard to employment for the purpose of contravening any of the rights given to workers and workers' organizations under the proposed Bill.

17. It would be necessary, in view of this last mentioned proposition and in view also of the suggestion for outlawing yellow dog contracts, to make an exception in favour of the right of the employer and of the collective bargaining body mutually to agree to a closed shop, union shop, preferential shop or union security shop; otherwise, these various arrangements would be inconsistent with some of the suggested provisions of a proposed Bill. The Trades and Labour Congress of Canada is not asking for the closed shop or any similar type of shop organization, but its position is that an exception in favour of such arrangements where made by mutual agreement, should be allowed. This is the situation which exists in the United States, British Columbia, Alberta and Saskatchewan.

18. Adequate provisions should be made for the administration and enforcement of any proposed collective bargaining measure. The experience in the United States is clear that unless administrative and enforcement provisions are adequate a collective bargaining statute may be worthless. The Trades and Labour Congress of Canada is satisfied to have the general administration of the proposed Bill placed in the hands of the Minister of Labour. This will have the effect of fixing responsibility for the successful carrying out of the purposes of the Bill. Successful administration, however, requires that the Minister should have a competent and sufficient staff and this will be possible only if the Legislature is prepared to vote a sufficient sum of money to insure the proper carrying out of the terms of the proposed Bill. A collective bargaining Bill is social legislation and we in the trade union movement have long ago learned and learned well, the lesson that the effectiveness of such a measure depends as much, if not more, on the way in which it is administered and enforced, as on its particular terms.

19. We propose, of course, that penalties be provided for any breach of the duties imposed upon the employer by the Bill. But, we do not consider that the imposition of penalties is necessarily a satisfactory method of securing the objects of the Bill. It is our opinion that the Bill should provide for remedial action in at least three respects:



- (1) By enabling a direction to be given for reinstatement of employees who are discharged, suspended or demoted in contravention of the provisions of the Bill;
- (2) By enabling a direction to be given for payment of back pay to such employees;
- (3) By enabling a direction to be given for the disestablishment of company unions.

Only by provision for such positive remedial action can there be an effective guarantee that the terms of the Bill will have real meaning.

20. A proposed collective bargaining Bill in the terms which we have suggested should also contain rules of procedure. It is extremely important in such a Bill that no undue delay take place in the granting of relief or in the enforcing rights which are granted. The Trades and Labour Congress is of the opinion that time limitations should be fixed within which the machinery of the proposed Bill should be put into operation. It is suggested that action upon any application under the proposed Bill should be initiated within 15 days and should be concluded within 30 days. In addition, the Trades and Labour Congress is of the opinion that because the matters to be dealt with under the proposed Bill are such as have never been dealt with by the ordinary courts, care should be taken to exclude the interference of the courts in connection with the administration of the Bill, except in so far as prosecutions for penalties are concerned.

So far, we have in a general way, made our position clear on points of inclusion. There are a number of points of exclusion on which we feel very strongly.

1. We are opposed to any attempt to make collective agreements enforceable. The present position of such agreements under law is that their violation does not carry any legal consequence. This position we do not wish disturbed. Collective agreements are peculiarly documents of good faith and of co-operation. Normally, any dispute concerning an alleged violation of a collective agreement or concerning any matter of mutual interest between an employer and the union, whether directly covered by the agreement or not, will be settled by peaceful grievance and arbitration procedure. Because a collective agreement is generally made between a trade union and an employer and because any alleged violations on the part of the union can only be attributed to the acts of individual employees or members of the union, there is considerable difficulty in squaring a collective agreement with the ordinary legal contract. A collective agreement is the fruition of collective bargaining and the union is no less anxious than the employer to measure up to the demands of responsibility for maintaining industrial harmony. There can be no collective agreement unless there has been collective bargaining and experience in both Great Britain and in the United States shows that once collective bargaining has become an accepted practice, there is little difficulty in connection with the due observance of a collective agreement both by the employer and by the union. Collective agreements are not enforceable in England or in any other Province of Canada.

2. We are opposed to incorporation of trade unions. Trade unions are and always have been voluntary unincorporated associations. They wish to remain so. Employers are not compelled to incorporate and they may carry on business as a partnership, or firm, or syndicate. Incorporation achieves a limitation of liability and avoids any personal liability of the shareholders of the company. While it may serve the purposes of businessmen, it is entirely inappropriate for a trade union. There is little resemblance between a shareholder in a company and a member of a trade union. It seems to us that the proponents of incorporation for trade unions are the opponents of collective bargaining with trade unions. Insistence on incorporation would seem to point to the bad faith of those who support it, because it does not appear to us that incorporation can in any way serve the interests of industrial peace. The whole question has been thrashed out several times in England and in every instance the decision has been against incorporation. There is no legislation which compels incorporation, either in Great Britain or in the United States, or in any other Province of Canada.

3. We are opposed to a registration requirement for trade unions. We repeat that we are satisfied to retain our present status as voluntary unincorporated associations. We look upon registration as a species of licensing and hence, as an interference with freedom of association. It should be the purpose of a collective bargaining Bill to enlarge freedom of association, not to confine it—yet this would be the effect of a registration requirement. We look upon it, therefore, as a method by which the proponents of incorporation hope to achieve their purpose indirectly. It is true that there is a provision for registration in England, but the provision is optional, not compulsory, and registration moreover does not effect the enjoyment by trade unions of rights given by English trade union legislation. Registration is not required under the law of the United States, nor under the collective bargaining legislation in force in the Provinces of British Columbia, Alberta, Saskatchewan, Manitoba, New Brunswick and Nova Scotia.

While we object to any attempt to force incorporation or registration upon us, we have no objection to filing our constitution and by-laws and a list of our officers, although even this goes beyond the English requirements.

4. We object to any attempt to compel disclosure of our financial position to employers. There is no compulsion upon employers to disclose their financial position, and we prefer that this matter be left to our discretion. As a matter of fact, union constitutions generally provide for the yearly rendering of financial statements to members, and it is quite customary for union treasurers to report to the members on finances very frequently during the year. It seems to us that the state of a union treasury is primarily the concern of the union itself and of its members. We cannot understand employer curiosity about union finances, except as part of a general campaign of harassment of trade unions. We are sure that any such curiosity will not survive the establishment of genuine collective bargaining relations. If the Government wishes any information about union finances, it will have no difficulty in obtaining it. The record shows that unions which have become firmly established or whose stability is no longer threatened, have no hesitation in making public disclosure of their financial position. It seems to us that it is not worth while to make a proposed collective bar-

gaining Bill an avenue for a financial inquisition. Its purpose is to encourage industrial peace, rather than to breed suspicion.

This presentation covers those points relating to collective bargaining upon which we feel that the Committee should have a clear understanding of our views. We should like to conclude this presentation by suggesting that the time is ripe for good deeds, and not merely good intentions. May we quote to this Committee apt words on the question of collective bargaining, written in summation of various American Government reports on the question:

'The conclusions from these laborious studies would seem to be that employees will not submit to a reign of industrial absolutism; that efforts by employers to suppress bona fide organization of employees are bound ultimately to fail and, meanwhile, to provoke the bitterest industrial unrest; that the sooner employers abandon the stupid battle over "recognition," and negotiate collective agreements with labour unions as a matter of course, the better will be the outlook for stabilizing labour relations on a healthy basis; that the policy of the law, therefore, should be to encourage the development of strong labour organizations.'

Industrial peace is not something which we can afford to ration. A collective bargaining Bill must not be compromising or diluted or equivocal. It should be clear and forthright. Labour will not fail to respond to a generous gesture."

That, Mr. Chairman, and the members of the Committee, is the brief of the Trades and Labour Congress of Canada. That our members in the Province of Ontario would like to leave with the Committee for any consideration the Committee cares to make in respect of any proposed Bill.

THE CHAIRMAN: Have you had your counsel draft a Bill embodying these suggestions, so we can study it, so it would help us?

A. Well, Mr. Chairman, we have not gone that far yet, because a few years ago we did bring a Bill in to the Ontario Legislature. After it was kicked around so much we had to come back and ask you to give it back to us in order that we could take it out and chloroform it and bury it.

Q. Well, you may have a better Legislature now.

A. Well, we hope so.

Q. You see our difficulty; there has not been a great conflict of opinion so far presented to the Committee. It is a question of the mechanics. For example, you say here, "The Bill should be clear and forthright." You know, as we all know, Mr. Sullivan, that trying to put an idea into words which convey the same meaning of what is in mind is one of the hardest tasks in the world. That is why I asked you if you had a tentative Bill in mind.

A. I think, Mr. Chairman, if the Committee in its deliberations in the



next period of time until it is finished had a bill then drafted or formulated and would call in the leaders of organized labour they would be quite willing to co-operate in any suggestion as to how the matter and the machinery should be set up. I think I am speaking for the Trades and Labour Congress when I say we would be quite willing to co-operate in that matter.

MR. PERCY R. BENGOUGH: I was wondering if the Chairman would like us to prepare a Bill?

THE CHAIRMAN: We certainly would. I think everyone would. Personally speaking, myself, I would, and I think all my friends of the Committee would. They seem to be of that opinion.

Q. Mr. Sullivan, may I ask this question of you, because I do not see a great deal of difference in your presentations and those of Mr. Mosher: quite a bit of your brief, the same as Mr. Mosher's brief, is devoted to company union. The difficulty seems to be to define "company union." Mr. Mosher said that in classifying a company union he did not put in the classification of company union a union which was organized in a certain industry, take the Bell Telephone Company's brief—you heard that?

A. Yes.

Q. You heard the representative of the union, the Bell Telephone Company union, come here and state they had been getting along amicably and in a very friendly way for twenty-three years, that they had their election of representatives by secret ballot, free entirely of any interference of any kind on the part of the management and that they wanted to be left in that position. Mr. Mosher agreed, but he did not classify that type of union as a company union. He said that wherever there was a free expression of opinion on the part of the employee, free entirely from bribery or interference of any kind or description on the part of the management he did not classify that group of men as a company union.

A. That would not be a company union, if the workers have the freedom to vote without interference. For instance, I have a constitution here in which it is stated that a man must be in the employ for one year for him to become a member of a company union and that the company employees as a whole should hold meetings which are to take place during working hours at the expense of the company. These meetings should be held on the second Monday of January and of July at 2.30 p.m.

I have no doubt if those people in that particular place were given the right to vote, if they wanted to choose an organization through their own democratic vote outside of the Trades and Labour Congress of Canada or the Canadian Congress of Labour, they are exercising the right of freedom of association. That is a principle for which we are fighting.

Q. I am glad you have cleared that up.

A. But what we do object to is when the boss comes around after they have voted and makes them sign a statement that they will withdraw from the organization of their choice and will form a company union. I would not consider any union a company union where workers get the freedom of voting.

MR. OLIVER: Q. You said something about the employees meeting on the company's time; that is, that the employees' time would be paid for by the company while they were organizing and holding their meetings. If there was no other interference on the part of the company, in your mind, would that constitute a reason for identifying that as a company union?

A. I would say that any employer who either directly, indirectly finances, dominates or controls the union—that the definition of that is a company union.

MR. MACKAY: Q. What do you mean by "financing"?

A. For instance, in this constitution I have here, the employer states definitely that he will pay for the days while they are at the meetings held twice a year. How could we have freedom of association if the term is defined for us by the employer before we even meet?

Q. Would you consider the loaning by them of a room in which to meet is contributing to company domination?

A. I would prefer to see their meetings held outside the plant, personally.

Q. But, Mr. Sullivan, you say you are in favour of freedom of association, that a man should be free from the domination of anyone to exercise his own free will in choosing the organization to which he wants to belong. Now, if he exercises that freedom and he chooses an organization to which a company contributes something, then is that not something he desires to have? Is that not freedom?

A. I would not say it was necessary.

Q. I know it is not necessary. I am talking now about freedom. If a man is free to choose and he exercises his freedom apart from his employer altogether he goes by himself and in a secret ballot he chooses an organization to which a company contributes, has he not exercised his free choice?

A. If they act in exercising their free choice and if they should also vote to meet in a hall which was loaned and the vote was split, I do not think they would still be exercising their freedom of choice. If they determined themselves, by the vote of the bargaining unit in that plant to use that hall I would say they were exercising their own right.

MR. NEWLANDS: Q. And for meetings during the working hours?

A. We have established a practice in a lot of shops where we have labour-management co-operation, where they meet and where their time is paid for. We have established if an agreement has been arrived at, labour-management committees which meet during the company's time to discuss with the management problems affecting workers and affecting production. This is voted upon in a democratic way by the union involved.

THE CHAIRMAN: Q. Which is an agreement arrived at between the freely elected representatives of the employees and the representatives of the companies?

A. That is right.

MR. MACKEY: Q. Does selective bargaining over in the United States out-law company unions?

A. I would prefer to let our friend, the assistant counsel, answer that. I think he answered it very clearly the other day as to what the definition of a company union is under the Wagner Act. I enjoyed it, and there are a lot of international representatives here, I am sure, who would enjoy hearing it again. It covers it very clearly.

MR. FURLONG: Q. With regard to the question of company union, I would like to pursue the point a little further. Your real difficulty in a union comes when you start to organize. Then for the first time a company which has been opposed to organization commences to organize a company union to frustrate your efforts as a union?

A. Right.

Q. And that is where your yellow dog contract comes in. That is a different kind of animal altogether, but where you have had employees exercising that free choice by secret ballot, in respect of a union which may be in some way contributed to by a company, do you think any Act of Parliament should declare their operation illegal regardless of the number which belongs to it?

A. I would like you to state that again.

Q. I am talking of the Bell Telephone Company. The Bell Telephone Company have 5,000 men enjoying what I think is a company union. Now, they declare they are quite happy, that they have chosen that organization by secret ballot of their own free choice apart from any domination on the part of the company. It is true that after their constitution was drawn up the company contributed to some extent and it pays while they are on company work or union work. It provides a place for them to meet and it saves them the necessity for paying dues. Do you think those 5,000 men should be told they are now in an illegal organization regardless of their own free choice?

A. I think that question answers itself. You said the Bell Telephone Company employees are satisfied, the 5,000 of them, to remain in a company union. I think the simplest way to test that would be if the law comes in to let the workers take a secret ballot under government supervision and let the workers determine whether or not they want to remain with what they have and that will be a bona fide, independent organization.

Q. That is fine. In other words, you have shown us the way out?

A. Yes. I am not guaranteeing how they will vote.

Q. We are not interested in that.

A. The whole thing is as long as the management is not benefiting in any way from the organization.



MR. FURLONG: Mr. Chairman, the next point is collective bargaining. I do not think we need enlarge on that. I think that is fairly clear. Dealing with the provisions for determining the collective bargaining agency, I think that could be either by vote or by a proof of membership.

Q. Mr. Sullivan, what do you think about that? In order to determine the collective bargaining agency, one method is to take the vote of the employees and the other method was raised by Mr. Jackson the other day when he said he was in favour of proof of paid-up membership in the union and if a majority of the employees were proven to be paid up members in the union then that union should be the bargaining agent. What do you think about that method?

A. This is something which will have to be determined by the persons appointed to administer it. We think it should be under the Department of Labour.

Q. I am talking now about determining the collective bargaining agency.

A. Whoever is administering it will have to be the one who will have to determine. I am speaking for my own organization when I say I would be quite prepared in any organized group of workers we have in our industry to sit down with the Minister of Labour and show the books and show who is paid up, and if there is a majority group show them as the collective bargaining agency.

Q. You would be quite satisfied if that were the method?

A. Yes. Other unions might want to take the vote.

Q. The next matter is the provisions to outlaw company unions. I think Mr. Sullivan has given us a very good example of that. The next is specific provision to outlaw yellow dog contracts. I do not think we need any more enlightenment in respect of that. We know what it is. It is pretty clear.

Next is, No incorporation of trade unions. If a trade union does not want to be incorporated I do not think we should try to incorporate them.

THE CHAIRMAN: Some people seem to think they should be. If there is any racketeering going on at the top of a trade union it is up to the membership to get rid of the racketeers and put in decent people. That is the way it generally works anyway.

MR. FURLONG: Next, No provision for registration of trade union. I would like to ask Mr. Sullivan one question in respect of that.

Q. What you are really worrying about there is the fact that you do not want your funds attached?

A. That is one of them.

Q. If you were protected in that respect would you then have any objection to being registered?

A. Yes.

Q. Why?

A. For the simple reason registration means: First of all let me put it this way. Collective bargaining means in essence freedom of association. Now, you cannot have freedom of association if you have to turn around and give to anybody a copy of your financial statement—

Q. Oh, no, no; what I am dealing with is registration. You register with the Department of Labour, so the Department of Labour knows who you are.

A. I think I covered that in our brief, that as far as we are concerned we have no objection to giving the Department of Labour a list of our officers, which they get anyway, because our trade journals always carry that together with a copy of our constitution and by-laws, but we certainly object to giving any financial statements.

Q. To whom?

A. To the Department of Labour or to anybody.

Q. But if it is not made public?

A. It is made public by ourselves. Our organization has a certified accountant. In our constitution it is provided for the locals to walk into our national office and to get from the secretary-treasurer every six months a certified financial statement which is published and given to our membership and put out in newspaper form.

THE CHAIRMAN: Q. Who certifies that?

A. A certified accountant, a firm of chartered accountants.

MR. HAGEY: Q. This might arise in some organization—and this is not directed to yours: members might join and if they could not get any information it would be the duty of the Government to protect those people. Should the members not be given an interim statement at some period of time?

A. I have never seen a bona fide organization yet which does not.

Q. I am not speaking of a bona fide organization.

A. You mean give a financial statement to our membership?

Q. Yes?

A. I have certainly no objection to that. We all do it.

MR. FURLONG: That brings us to your next point, namely, the imposition of penalties for violation of any of the rights given by the legislation. I do not think we need very much further enlightenment on that. There must be some method of enforcing the Act. That is the whole trouble with the labour situation now. There is no machinery for the Minister to take care of this situation.

THE CHAIRMAN: I found there was a conflict in Mr. Sullivan's brief as I went over it rapidly. Some portions of it I was not able to refer back to just at the moment. I thought he was asking for compulsory enforcement of these collective bargaining agreements once they were entered into, but later, in the final items and suggestions, that was ruled out. That cleared up that point.

MR. FURLONG: It is a question of, as he puts it, confidence between the two parties, which is brought about by sitting around a table and negotiating collectively.

THE WITNESS: Correct.

Q. I am nearly through. The last point you made, Mr. Sullivan, is provisions for effective administration of the legislation. I do not think anyone on this Committee would object to that. In fact, that is probably one of the most important points with regard to the Bill; that is, the machinery and the administration of the act.

Well, Mr. Sullivan, I have not any further questions to ask you, unless the members of the Committee have.

THE CHAIRMAN: Have any members of the Committee any questions?

Have you, Mr. MacKay?

MR. MACKAY: Yes.

Q. I wish to know from Mr. Sullivan who is the collective bargaining unit in a particular shop? May I use a hypothetical instance of 1,000 workers of which 800 or 900 are under the control of the C.I.O.? You have a crafts department composed of machinists, electricians or stationary engineers, and suppose the dispute is between a particular group of the trades and labour. In that case who has the collective bargaining right? I think the C.I.O. said the other day they thought in their opinion the big group or their group should have the say for the whole shop. I understand there is conflict between you and the C.I.O. on that point.

A. We have enlightened you in our brief about units within the industry

Q. There may be more than one collective bargaining unit in one industry?

A. Yes. That is the reason why we have the set-up that is in here in the brief we have presented. They have existed since 1874 and have got collective and closed shop agreements with employers, and I do not see why they should be disturbed.

THE CHAIRMAN: As I understand it, Mr. MacKay, Mr. Mosher advocated one collective bargaining unit.

MR. MACKAY: Mr. Jackson.

MR. AYLESWORTH: I said care would have to be taken in exploring the views



of all those who appear before this Committee to see that the right of any trade or guild or crafts union is properly taken care of, as well as the right of some association where that does not exist and where there is a majority. The difficulty will come, although I do not think it is at all insurmountable, in defining or setting up procedure to establish the bargaining unit.

MR. BENGOUGH: You have a number of organizations which have had the right of collective bargaining agreements. It has been in effect over many years.

THE CHAIRMAN: It is working out very well.

MR. BENGOUGH: It is working out eminently to everybody's satisfaction.

THE CHAIRMAN: Summarizing, speaking for myself—and I have a great deal of sympathy for it—your main grievance is that where a recognized union starts to organize the workers in a certain plant some employers step in and try to organize what they call a company union by intimidation, or offers of promotion or increased wages, and all that sort of business, to forestall the free organization of that particular industry.

A. Right.

Q. I have a great deal of sympathy personally.

MR. FURLONG: Q. Is that all, Mr. Sullivan?

A. That is all I have, but I was thinking that Mr. J. Gavin would like to introduce our delegates here. We have people from Kenora and the northwest right down east to Cornwall.

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#### DELEGATES

P. Bengough, Acting President, Trades and Labour Congress of Canada.

John Gavin, Chairman of the Provincial Executive of the Trades and Labour Congress of Canada;

J. S. Conley, Provincial Executive of the Trades and Labour Congress of Canada;

Archie Johnson, International Representative of the Hotel and Restaurant Employees for the Dominion of Canada;

Sam Lapedes, Toronto, representing Amalgamated Clothing Workers and the United Garment Workers;

Bruce Magnusson, President Trades and Labour Council, Cornwall;

Mr. Uppard, representing Rayon Workers, Cornwall;

C. Tessier, Cornwall;

- J. Preston, Vice-President, International Association of Firefighters;
- Bruce Magnusson, representing Trades and Labour Council, and member of the United Carpenters and Joiners of America;
- John Currie, representing Trades and Labour Council, Fort William, and the members of Local 39, Pulp and Sulphide Workers;
- Clare Mapledoram, representing Local 39, Pulp and Sulphide Workers, Fort William;
- Harold Turner, representing International Association of Machinists, Fort William Workers Lodge, 719, also representing by proxy the Trades and Labour Council of Fort Frances and 100% of the Local Unions, in addition to the Trades and Labour Council of Kenora;
- F. J. Davis, National Secretary, Canadian Navigators Federation, Toronto, and Shipmasters and Certified Deck Officers, and the President of the National Association of Marine Engineers;
- H. Amanite, President Trades and Labour Council, Windsor; and delegation;
- George Hope, International Brotherhood of Electrical Workers;
- Charles Campbell, No. 616, Bus and Street Railway, Windsor;
- Buster Wigh, No. 616, Bus and Street Railway, Windsor;
- Thomas Scott, No. 616, Bus and Street Railway, Windsor;
- Magnes Sinclair, representing Busmen and Street Railway men, the Province of Ontario;
- T. O'Connell, 6th Vice-President, Street Railway and Bus Operators, also a member of Local 113, Toronto;
- Jack Gad, International Brotherhood of Teamsters;
- D. Lamb, Secretary-Treasurer, Ontario Firefighters;
- A. J. Crawford, Sheet Metal Workers, International Association;
- R. Brown, Ontario Representative of the International Printing, Pressmen and Assistants Union; also Vice-President Toronto District Labour Council;
- Frank J. Barrett, International Representative of the International Brotherhood of Bookbinders;
- Dr. David Shugar, National Secretary of the Association of Technical Employees;
- W. D. Kern, Secretary-Treasurer, Local 280, Beverage Dispensers Union, and Executive Officer of Toronto District Labour Council;

H. Hotram, President, Local 35, International Photo Engravers Union;

Archie Johnson, representing twelve Local Unions in the Province of Ontario, comprising 2,200 members, Hotel & Restaurant International Union;

J. T. Galloway, Vice-President, International Union of Blacksmiths, Drop Forgers and Helpers;

Alfred Wad, Business representative, Toronto and District Council of Carpenters and Joiners;

R. J. Boulton, Grand Lodge representative, International Association of Machinists;

L. J. Klein, United Garment Workers of America, Local 237, Brantford, Ontario;

Mrs. E. S. Smith, representing the Typographical Association.

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MR. M. SINCLAIR: Mr. Chairman, representing all the bus men and all the street railway men in the Province of Ontario, I would like to say we want this Bill through. We do not want you to do here in Ontario what they have done in Ottawa with their Orders-in-Council, namely, exclude the municipal employees and the governmental agencies and employees so that they would not get any benefits under the bonus system in respect of cost of living.

We are a great and important factor in the community. We carry the people to and from, to factories and everywhere else. We want to come under the protection of this Bill, just as the other workers. We have opposition to organization in our industry in this country more or less.

THE CHAIRMAN: From where does your opposition spring?

A. Ours is internationalized opposition, and I am on the international of the Street Railway and Bus Operators of the United States and Canada—

THE CHAIRMAN: You probably misunderstood my question.

A. I am an officer of that association.

Q. I repeat you probably misunderstood my question. From where is your opposition springing? You say you have opposition to the Bus Operators?

A. I could not just define the gentlemen and the places from which it comes.

MR. SULLIVAN: Mr. Chairman, I would like to thank you for giving us the opportunity of appearing before you. If you would like to meet the rank and file of labour we will take Massey Hall some night and have it packed to the roof. I think we could even take the Maple Leaf Gardens and pack it to the roof, and if you wish to come with us on the platform the workers will tell you they want collective bargaining.



THE CHAIRMAN: We wish to thank you for your very clear presentation.

MR. FURLONG: That is all I have, Mr. Chairman. I felt I should take or allow the whole afternoon for this organization because it is the eldest, and I think possibly the best known of all the organizations in Canada. I am glad they did not take all afternoon. So, that is all I have until to-morrow morning at 11.00 o'clock.

THE CHAIRMAN: I hope it does not throw the monkey-wrench into the machinery to a very great extent, but I see at 11.00 to-morrow we have the Canadian Manufacturers Association. There is a caucus of government members to-morrow. There are nine members here sitting on this Committee. The caucus is scheduled for 10.30 a.m.

MR. MACKAY: Why could we not hear the Canadian Manufacturers Association to-night?

MR. GARDHOUSE: Have they been notified?

MR. FURLONG: Yes. I had two representatives who wished to be heard in the evening, and I could not get them both on Monday night, but I did get them to agree to come on Tuesday night. I thought it would be better if the Committee would try and have it during one evening rather than two evenings.

THE CHAIRMAN: I would suggest if it is agreeable to the other members of the Committee that if you would get the representatives due here at 11 to come at 11.30, we could make it a point to be here. If the caucus is not over we will leave it.

MR. FURLONG: They are all here now. Mr. Macdonnell is here. Will you be here at 11.30 instead of 11.00?

MR. MACDONNELL: Yes.

MR. FURLONG: Addressing Mr. Brewin, you will come on after the Canadian Manufacturers Association, so I imagine it will be around 12.15.

THE CHAIRMAN: Is it possible either of those gentlemen might go in now?

MR. FURLONG: Would you like to go on now, Mr. Macdonnell?

MR. MACDONNELL: We are not ready. We are preparing copies of our brief for all the members of the Committee.

MR. BREWIN: I am afraid I am in the same position.

THE CHAIRMAN: Very well. This Committee stands adjourned until to-morrow morning at 11.30 a.m.

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Whereupon, on the direction of the Chairman, this Committee adjourned at 3.15 p.m. until 11.30 a.m., Tuesday, March 9th, 1943.

## SIXTH SITTING

Parliament Buildings, Toronto,  
Tuesday, March 9, 1943, at 11.30 a.m.

Present: Messrs. Clark (Chairman), Anderson, Gardhouse, Habel, Hagey, Newlands, Oliver, Mackay and Murray.

Mr. W. H. Furlong, K.C., Counsel to the Select Committee.

Mr. J. Finkelman, Adviser to the Committee.

Mr. J. B. Aylesworth, K.C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.

Mr. D. W. Lang, K.C., Counsel for the Canadian Manufacturers' Association (Ont. Division).

Mr. F. A. Brewin, Counsel for the United Steel Workers of America.

Mr. H. W. Macdonnell, Legal Secretary of the Canadian Manufacturers' Association.

Mr. K. M. Kilbourn, Chairman of the Ontario Division of the Canadian Manufacturers' Association.

Mr. E. C. Facer, Counsel for the U.C.N.W.

Mr. W. T. Burford (Ottawa) representing the Canadian Federation of Labour.

Mr. Peter Tully (Hamilton) representing Canadian Federated Council of Employees.

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MORNING SESSION

THE CHAIRMAN: The Committee will please come to order.

What is the order of business for this morning, Mr. Furlong?

MR. FURLONG: Mr. Chairman, I have a large number of cards from the International Ladies' Garment Workers Union, A.F. of L. and from the Seamen's Union and other unions, all of which are couched in the same language as the card I read the other day.

EXHIBIT NO. 37: Postcard postmarked March 8, 1943, from the International Ladies' Garment Workers Union, A.F. of L., to the Honourable G. D. Conant, Premier of Ontario:

"I, a citizen of Ontario, urge you to introduce and adopt a genuine collective bargaining Bill in the present session of the Legislature as you publicly pledged to do. Your assurance of adopting such legislation was welcomed and greeted by all who desire labour-management co-operation and national unity to win this war.

It is apparent that small but powerful selfish groups unloosened a reckless campaign to prevent the enactment of legislation you promised to enact. Your Government must not capitulate to that pressure.

"I urge you to proceed along the lines which you followed up to a few days before the opening of the present session. In doing so you will have the wholehearted support of all workers and of all right-thinking people in Ontario who desire unity, an all-out war effort and a democratic labour policy in accord with the modest wishes of organized labour.

Name: G. VALENTINE,

Address: 47 Winnifred.

Sponsored by International Ladies' Garment Workers Union, A.F. of L."

MR. FURLONG: Then I have here a letter from the Corporation of the Town of Leaside per R. V. Burgess, Clerk-Treasurer, to the Hon. G. D. Conant, enclosing a resolution adopted by the Council of the said Corporation:

"March 8, 1943.

Hon. G. D. Conant,  
Premier, Province of Ontario,  
Parliament Buildings,  
Toronto, Ontario.

Honourable Sir:

I beg to advise that the Council of the Corporation of the Town of Leaside endorsed the enclosed resolution which was submitted by the Council of the City of Toronto having reference to the enactment, by the Provincial Government, of a Collective Bargaining Bill.

Yours very truly,

(Sgd.) R. V. BURGESS,  
Clerk."

The resolution reads:—



"TOWN OF LEASIDE

Copy of Resolution adopted by the Council of the Corporation  
of the Town of Leaside

Whereas the interests of our effort demand maximum and uninterrupted war production, co-operation between labour and management and the elimination of all factors which impede production and cause national disunity; and

Whereas the adopted and proper application of collective bargaining legislation would remove one of the chief causes of industrial disputes in wartime; and

Whereas all labour organizations in Canada have appealed for collective bargaining legislation as already exists in Great Britain, the United States of America and other democratic countries and which is in accord with the principles of the Atlantic Charter to which we are committed;

Be it therefore Resolved that this Council petition the Government of the Province of Ontario and requests that it do, at the present Session of the House, enact a modern Collective Bargaining Bill, and that copies of this motion be forwarded to Council of all municipalities within the Province having a population of 4,000 inhabitants or over with a request that they endorse same and forward their endorsement to the Provincial Government.

Carried.

(Seal of Corporation of  
Town of Leaside)

Certified a true copy,

(Sgd.) R. V. BURGESS,  
Clerk."

EXHIBIT No. 38: Letter dated March 8, 1943, from R. V. Burgess, Clerk-Treasurer of the Town of Leaside to the Hon. G. D. Conant, enclosing certified true copy of resolution adopted by Council of said Corporation.

MR. FURLONG: Then I have before me a letter from Mr. A. R. Mosher, President of The Canadian Congress of Labour, forwarding a list of all the unions of the Canadian Congress of Labour, which he undertook to file when he was before the committee:—

"The Canadian Congress of Labour,  
March 5, 1943.

Mr. W. H. Furlong,  
Collective Bargaining Committee Counsel,  
Ontario Legislature,  
Parliament Buildings,  
Toronto, Ontario.

Dear Mr. Furlong:

I am enclosing herewith for your information a directory of the unions

of the Canadian Congress of Labour, as requested when I appeared before the Committee on Wednesday last, March 3rd.

You will note that there are 15 unions affiliated with the Canadian Congress of Labour, each of which have local branches in the Province of Ontario. You will also note that these 15 affiliated organizations have 159 local branches in the Province of Ontario.

In addition to the affiliated unions, the Congress has in Ontario 56 local unions chartered directly by the Congress.

Trusting the information contained in the enclosed directory will serve your purpose, I remain,

Yours very truly,

(Sgd.) A. R. MOSHER,  
President."

EXHIBIT No. 39: Letter dated March 5, 1943, from Mr. A. R. Mosher, President of The Canadian Congress of Labour, to Mr. W. H. Furlong, enclosing directory of Unions of The Canadian Congress of Labour, dated February, 1943.

MR. FURLONG: Then the next is a letter from two ladies named Ruth Lanin and Miriam Guravich to Mr. Conant under date March 3, 1943:

"279 Brunswick Ave.,  
Toronto, Ont.,  
March 3rd, 1943.

The Rt. Honourable Conant,  
Parliament Bldgs.,  
Toronto, Ont.

Dear Sir:

We strongly urge you to pass immediate legislation for collective bargaining as we feel it would speed up our war effort.

Yours truly,

(Sgd.) RUTH LANIN,  
MIRIAM GURAVICH."

EXHIBIT No. 40: Letter dated March 3, 1943, from Mesdames Ruth Lanin and Miriam Guravich to the Hon. G. D. Conant, re collective bargaining legislation.

MR. FURLONG: Then I have before me a letter of March 5, 1943, from the Central Aircraft Workers' Association, Unit No. 2, London, Ontario, reading as follows:—

"March 5, 1943.

The Honourable Gordon Conant,  
Premier of Ontario,  
Parliament Buildings,  
Toronto, Ontario.

Honourable Sir:

Our members have been greatly disturbed by reports through the press and other sources that the proposed collective bargaining labour Bill possibly will not be enacted during the present sitting of the Legislature.

In the opinion of our entire membership such a delay would not improve industrial relations in Ontario but tend to make them worse, thus causing a serious delay to an all-out war effort in the province.

Therefore, we ask your wholehearted influence and co-operation in putting through a bill outlawing company unions and giving labour the undisputed right to bargain collectively.

Very truly yours,

Central Aircraft Workers' Association,

Per (sgd.) Frank Dentinger, Secretary.  
By D. D.

EXHIBIT NO. 41: Letter dated March 5, 1943, from Central Aircraft Workers' Association, Unit No. 2, London, Ontario, to the Hon. G. D. Conant, re collective bargaining legislation.

MR. FURLONG: The next is a resolution from the Milk Drivers' and Dairy Employees Union, Local 647, reading:

"MILK DRIVERS AND DAIRY EMPLOYEES UNION, LOCAL 647

International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers affiliated with the Toronto District Trade and Labour Council

February 28, 1943.

The Hon. G. Conant,  
Prime Minister of Ontario,  
Queen's Park,  
Toronto.

I have been instructed by the membership of the above organization to forward to you the following resolution, which expresses the collective views of our membership relative to labour legislation in this province.

Whereas, the membership of the Milk Drivers and Dairy Employees, Local 647, A.F. of L., in regular assembly at Toronto on February 16th,



1943, have considered the contemplated legislation of the Government of this Province, namely, to grant to organized labour the right to organize and to bargain collectively, and

Whereas, we believe that legislation granting such right would

1. Remove much dissatisfaction and discontent at present existent in industry.

2. Would satisfy labour that much discrimination and unfair practices at present existent would be removed.

3. Would tend to bring labour and management to a closer understanding on each other's problem, and result in mutual benefit.

4. That such legislation would result in an even greater war effort by the workers in this province, satisfied as they would be in their untrammelled right of organization and collective bargaining.

Therefore, be it resolved that we request the Government of this province to immediately pass legislation granting the workers the right to organize in a union of their own choice, and the right of such unions to bargain collectively with the employers of their members.

Trusting that this resolution will be given your serious consideration.

Permit me to remain,

Yours truly,

(Sgd.) A. F. MacArthur,  
Business Representative,  
Local 647."

EXHIBIT No. 42: Resolution of Milk Drivers and Dairy Employees Union, Local 647, 163½ Church Street, Toronto, dated February 28, 1943, re collective bargaining legislation.

MR. FURLONG: Here is another letter from the Cigarmakers International Union of America, Local No. 27, addressed to the Premier:

"Toronto, March 5, 1943.

Hon. Mr. Conant,  
Premier of Ontario,  
Queen's Park,  
Toronto, Ont.

Dear Sir:

The membership of this organization appeals to your Government to put in force a Collective Bargaining Bill, which they have so definitely promised the workers they would do.

We believe such a Bill will solve the industrial disputes which happen so often. The workers of this country are laying down their lives in defence of this Democracy, and believe what they have been promised: a better social security, after this terrible war ends. Are we going to disappoint them? Are we going to allow capital to run wild? Or are we going to allow the workers and producers have a fair and just share in the prosperity of the country. Honourable sir, we have great hopes in our government, both federal and provincial, and we believe sincerely they will fulfill their promise in regards to this Bill.

Wishing you every success.

Respectfully yours,

Local 27,  
(Sgd.) A. McDonald, Sec'y,  
26 Marjory Ave.,  
B. Rowe, Pres."

EXHIBIT No. 43: Letter dated March 5, 1943, from The Cigarmakers International Union of America, Local No. 27, to the Hon. G. D. Conant.

MR. OLIVER: Of the A.F. of L.?

MR. FURLONG: I think so.

Then, Mr. Chairman, the other day a gentleman by the name of Cummings wrote a letter from the De Haviland Aircraft Company, addressed to yourself as chairman of this Committee.

THE CHAIRMAN: I might point out that when I answered Mr. Cummings' letter I asked him to appear before the Committee, and he said he could not do so.

MR. FURLONG: The letter reads:

"UNITED AUTOMOBILE-AIRCRAFT-AGRICULTURAL IMPLEMENT WORKERS  
OF AMERICA (U.A.W.-C.I.O.)

International Union

March 6th, 1943.

Major James Clark,  
Chairman Select Labour Committee,  
Parliament Buildings,  
Queen's Park,  
Toronto, Ont.

Dear Sir:

On behalf of Local 112, De Haviland Aircraft Company, which at the present represents some 2,500 employees, I wish to give you a more com-

plete and concise picture of the conditions as they exist in the plant at the present time, and the part taken by this C.I.O. Local in the matter of production.

The remarks contained in a letter received by you, from L. Cummings, Transit Officer of the De Haviland Company, were his personal remarks and have no truthful bearing on the facts. Mr. Cummings has a deep-seated resentment of the C.I.O. and all forms of honest trade unionism, and is the type of person who doesn't mind distorting facts if he feels his personal crusade to destroy labour unions will be furthered.

I feel our stand on the need of labour legislation which will protect the working man in his right to belong to a labour union of his own choosing and bargaining collectively with his employer on his condition of work, rate of pay, etc., has been well expressed by our International officers and committee of workers who have appeared before you.

I therefore request you allow a committee of U.A.W.-C.I.O. De Haviland workers to appear before you and the Select Committee and express our views in regard to the need of some good concrete labour legislation. Also to explain more fully the true picture as it exists in the De Haviland plant.

Several of our union members and stewards have received individual awards, amounting to as much as \$700.00, from the Company, for their ideas on increasing production. My local union feels the Labour Committee should give serious consideration to this request and also give the public, through the Daily Press, a true picture of the situation.

Thanking you,

I remain,

Respectfully yours,

(Signed) C. V. Coulson,  
President, Local 112, UAW-CIO."

EXHIBIT No. 44: Letter dated March 6, 1943, from United Automobile, Aircraft-Agricultural Implement Workers of America (UAW-CIO), Local 112, dated March 6, 1943, to Major James Clark, Chairman, Select Committee on Collective Bargaining.

THE CHAIRMAN: Have you invited a committee of the UAW-CIO De Haviland workers to appear?

MR. FURLONG: I have not yet done so, but I shall do so, Mr. Chairman.

Then I have here a telegram dated Fort William, March 7, 1943, from George Murie, Chairman Lodge No. 6, Grain Elevator Union, addressed to Mr. J. F. Clark, reading:



"Fort William, Ont.,  
March 7, 1943.

J. F. Clark,  
Chairman, Special Legislative Committee on Collective Bargaining,  
Parliament Bldgs., Toronto, Ont.

Lodge No. 6, Grain Elevator Union, strongly supports stand Trades and Labour Council urging passing of legislation enforcing collective bargaining and denouncing company unions. Action of Legislature in this regard watched with keen interest and attention by large numbers in this district. Dilatory or careless attitude on part of Government may have serious effect here at future elections.

Geo. Murie, Chairman."

EXHIBIT NO. 45: C.P. telegram dated Fort William, March 7, 1943, from G. Murie, Chairman, Lodge No. 6, Grain Elevator Union, to Mr. J. F. Clark.

MR. FURLONG: Then I have a letter from the Master Electricians' Association, 203 Church Street, Toronto, reading:

"MASTER ELECTRICIANS' ASSOCIATION

Toronto, Ontario,  
March 5, 1943.

Mr. James Clark, M.P.P.,  
Chairman, the National Selective Service Board,  
Toronto.

Sir:

As employers of labour, we are in favour of a selective service agreement, providing:

1. That organized labour be incorporated within the province in which they are operating; that is each union should have a separate charter so that they would have some legal responsibility.

2. That one standard rate of wages be set. As it is now, the electrical trade will pay 1.10 an hour for their electricians, but others who are not actively engaged in the electrical business can secure labour from the union at rates from 70c up. The union is actually in competition with the electrical contractor.

It seems only fair that labour should have an organization to make agreements on behalf of their members, but where there is no legal responsibility, and where the headquarters of the unions are in the United States they can take undue advantage of the employer. In many cases the headquarters are in the United States.

Yours very truly,

Master Electricians' Association,

(Sgd.) P. A. Cheevers, President."

EXHIBIT No. 46: Letter dated March 5, 1943, from P. A. Cheevers, President, Master Electricians' Association to Mr. James Clark, M.P.P., re provincial incorporation of organized labour, standard rate of wages, etc.

MR. FURLONG: Then I have a letter from the International Brotherhood of Electrical Workers, Local Union 120, London, Ontario, enclosing a resolution to the Chairman of this Committee:

"INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS  
LOCAL UNION 120—LONDON, ONT.

786 Little Hill Street,  
March 4, 1943.

Chairman of the Collective Bargaining Committee,  
Queen's Park,  
Toronto, Ontario.

Sir:

The above organization went on record at the last regular meeting as unanimously supporting the London Trades and Labour Council's resolution that has been forwarded to Premier Conant, and a copy to the Minister of Labour, Hon. Peter Heenan. Find enclosed a copy of said resolution.

We believe the proposed side-stepping of this Bill is nothing more than an anti-union campaign, it is a threat to the unity and industrial peace which is so essential to our war effort.

We therefore urge you, Mr. Chairman, to have the proposed Collective Bargaining Bill brought before the present session of Parliament.

Sincerely yours,

(Sgd.) C. M. Kew,  
Secretary.

The resolution reads:

RESOLUTION

Whereas the workers of Ontario have been promised effective collective bargaining legislation for some time, and

Whereas we believe that such legislation would not only be democratic, but would also be in the best interests of a large majority of citizens, would be a benefit to the whole dominion, and would be a great step toward post-war reconstruction planning. We believe democracy is a wonderful thing and that it should be tried out sometime. The best time is now, the best place is Ontario, and

Whereas this London and District Trades and Labour Council wish to go on record as deploring the action of the Premier in deferring this labour legislation.

Therefore be it resolved that—

This Council urge Premier G. D. Conant to bring the Collective Bargaining Bill before the present session of the Ontario Legislature at the earliest possible moment.

Secretary."

EXHIBIT No. 47: Letter dated March 4, 1943, from C. M. Kew, Secretary, International Brotherhood of Electrical Workers, Local Union 120, London, Ontario, enclosing resolution re collective bargaining.

MR. FURLONG: Then I have a telegram from H. W. Thornton, secretary of Aircraft Lodge 719, Fort William, dated March 7, 1943, addressed to Mr. J. F. Clark:

"Fort William, Ont., Mar. 7, 1943.

J. F. Clark.

Speaker, Special Legislative Committee Collective Bargaining. Aircraft Lodge 719 strongly objects to obstructions to passage to Collective Bargaining Bill. Backing elected delegates to limit. Watching proceedings intently. Urge immediate constructive action.

H. W. Thornton,  
Sec. Lodge 719."

EXHIBIT No. 48: C.N. telegram dated Fort William, March 7, 1943, from H. W. Thornton, secretary, Aircraft Lodge 719, to Mr. J. F. Clark, re collective bargaining.

MR. FURLONG: Then a telegram dated Thorold, Ont., March 5, 1943, from George E. Gare, Acting Secretary, Citizens' Conference, to Premier Conant:

"Thorold, Ont., March 5, 1943.

Premier Conant,  
Toronto, Ont.

Representative Conference of St. Catharines Citizens urges fulfilment of Labour Bill promised this session.

George E. Gare,  
Acting Sec'y Conference."

EXHIBIT No. 49: C.P. telegram dated Thorold, March 5, 1943, from George E. Gare, Acting Secretary, Citizens' Conference, St. Catharines, to Premier Conant.

MR. FURLONG: Then a letter dated March 4, 1943, from Edith Hestrin and Allan Hestrin to Premier Conant:



"187 Montrose Avenue,  
Toronto, March 4, 1943.

The Rt. Hon. Gordon Conant,  
Parliament Bldgs.,  
Toronto.

Dear Sir:

We strongly urge you to pass legislation for collective bargaining. This, we believe, would be a step forward to speeding up the war effort.

Yours truly,

(Sgd.) Edith Hestrin,  
Allan Hestrin."

EXHIBIT No. 50: Letter dated March 4, 1943, from Edith and Allan Hestrin to Premier Conant re collective bargaining.

MR. FURLONG: Then another letter dated March 3, 1943, from S. Guravich and J. Guravich to Premier Conant:

"1672 Kingston Road,  
Toronto, March 3, 1943.

The Rt. Hon. Gordon Conant,  
Parliament Bldgs.,  
Toronto.

Dear Sir:

We strongly urge you to pass legislation for collective bargaining, as it would speed up our war effort.

Yours truly,

(Sgd.) S. Guravich,  
J. Guravich."

EXHIBIT No. 51: Letter dated March 3, 1943, from S. Guravich and J. Guravich to Premier Conant, re collective bargaining.

MR. FURLONG: Then I have a letter from F. MacLeod, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, Lodge 650, reading as follows:

"BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT  
HANDLERS, EXPRESS AND STATION EMPLOYEES, LODGE 650

56 N. High St.,  
Port Arthur, Ont.,  
March 6, 1943.

Hon. G. D. Conant, Prime Minister.  
Hon. P. Heenan, Minister of Labour.  
Hon. C. W. Cox, M.L.A., Port Arthur.  
Hon. J. Clark, Chairman Select Committee.

Dear Sirs:

I was instructed by the above named organization, comprising the em-

ployees of twelve grain companies at the Head of the Lakes, to submit to you the following resolution passed by them at their regular meeting, Friday, March 5th:

Whereas, that it is now apparent that the proposed collective bargaining legislation to be introduced at the opening session of the Provincial Legislature was being opposed by the anti-labour forces throughout the Province and Dominion;

Therefore be it resolved that the grain elevator workers at Port Arthur and Fort William request mandatory collective bargaining legislation now.

Our experience with employers refusal to deal with the majority of workers at certain elevators has convinced us of the immediate need for legislative measure to assist Labour in obtaining due recognition.

Our Local Union adds its support to submissions now being made by North Western Ontario delegation, representing local organized labour movement, before the Ontario Special Legislative Committee set up to conduct hearings on collective bargaining legislation for Ontario.

It is imperative that steps be taken to outlaw company unions and employers' interference with the basic principles of labour's right to organize. Action is long overdue. We look to this session of the Legislature to do something about it.

Yours very truly,

(Sgd.) F. MacLeod."

EXHIBIT No. 52: Letter dated March 6, 1943, from F. MacLeod, Brotherhood of Railway and Steamship Clerks, etc., Lodge 650, to Hon. G. D. Conant, et al, re collective bargaining.

MR. FURLONG: Then I have a long letter from Mr. George S. Thomson, President, United Automobile Workers, Local 222, Chairman of a Delegation of several locals, dated March 2, 1943, and addressed to the Hon. G. D. Conant. I do not think I shall take time to read it, but most of the requests therein contained are included in the parent organizations' requests that have been heard or will be heard with reference to the passage of a collective bargaining Bill.

EXHIBIT No. 53: Letter dated March 2, 1943, from George S. Thomson, President, Local 222, United Automobile Workers, and Chairman of delegation of several organizations, addressed to the Hon. G. D. Conant:

Hon. G. D. Conant, Premier,  
Province of Ontario,  
Toronto, Ontario.

"March 2, 1943.

Dear Sir:

Our delegation, representative of the major unions in Oshawa, desires

to place before you an urgent request that your Government submit to the present session of the Ontario Legislature a Bill which would:

1. Guarantee the right of workers to organize freely in unions of their own choice.
2. Make it mandatory that managements recognize and bargain with unions chosen by the majority of employees.
3. Outlaw 'company unions.'

We came here not only to see you in your capacity as Premier of this great province but also as a member in the Ontario Legislature from Ontario Riding, where our members reside and are employed in industry there.

May we express our appreciation to you for giving us this opportunity of placing our views before you. We hope that you will give them your sincere consideration.

Our members have been greatly disturbed by Press reports that it is possible that the proposed labour Bill will not be enacted during the present sitting of the Legislature.

In our opinion, such an event would not improve industrial relations in Ontario but make them worse.

Among us to-day are some who attended the banquet given in your honour in Oshawa when you became the Prime Minister of this province. At that meeting you declared that labour was a 'legal orphan' and that your Government intended to end this status and give labour the recognition its position in society deserves.

We hope that those are still your views and that you will undertake to disillusion all those opponents of labour who wish to continue keeping the working people 'legal orphans' in this province.

Unions are a natural outgrowth of our industrial society. They are voluntary combinations of employees designed to improve conditions of employment.

Similarly employers have banded themselves in their own societies to improve the position of their particular business or undertaking.

We believe that the opposition to the proposed labour Bill comes from a section of employers who are organized themselves but who would deny this right to their employees.

They would be the first to protest, and rightly so, if their employees undertook a drive to prevent them from joining and holding membership in the Canadian Manufacturers' Association or some other group. Yet they would deny a similar right to their workers.



The labour Bill is sought by workers in order to obtain a definite recognition from employers that the right of unions to exist and continue to function is conceded and admitted.

Unions ask for recognition in order to be free to dedicate their entire energy and administrative machinery to the problem for which essentially they are created, namely, to establish industrial relations on a basis that will assure the maximum of production, continuity of work and compliance with the provisions of the collective bargaining agreement.

To-day the national security and preservation of our country and democracy are at stake in a severe struggle for existence. Upon industry rests a tremendous burden—to achieve maximum production of munitions of war.

The labour unions have been in the forefront of this battle for production. The labour unions and their thousands of members are bending every effort and directing all their energy toward this end.

The workers have the brains, will-power and energy to meet the challenge that confronts industry. The unions merely ask that the full resources of the workers be unleashed.

This can be done through a complete co-operative relationship between unions and management. Such co-operation must be predicated upon a recognition by management that unions as an instrument will serve the national effort.

Where management questions the social desirability or usefulness of the unions, it is frustrating the efforts of the workers in the battle for full production. In denying the request for recognition management denies to the unions and their members the assurance that they will be permitted to live.

Management has an obligation to the country and its people, particularly at this stage of our history when we are engaged in a gigantic struggle to defeat fascism.

Can the employees be convinced that they must support the effort of the country and government to prosecute total war in the cause of democracy when management denies them industrial democracy?

Ontario is a backward province concerning labour legislation. There is probably no graver source of dissatisfaction among the workers than the state of our laws or lack of them dealing with labour legislation.

In this instance the government has a definite responsibility.

Freedom of association and the establishment of collective bargaining are not the expression only of civil rights of workers but of social and industrial functions which are basic and essential in a well-ordered society.

Until this is clearly recognized, the Government will continue to fill a role of an umpire between competing social forces without prescribing the rules. Umpiring without rules is a makeshift process and certainly no game lacking rules can be played long without creating chaos and confusion.

Representing well over 10,000 employees who work in industry in our riding under union agreements and conditions, we take pride in pointing out to you, sir, that Oshawa and the surrounding communities have been, on the whole, free from industrial disputes during the length of this war because management-union relations are accepted as an established practice between industry and organized labour.

We contend that similar results can be obtained elsewhere if employees are given the legal protection to organize freely into their unions and if employers bargain collectively with their employees.

We, therefore, urgently request your Government to submit to the Legislature a Bill which would guarantee the three points we enumerate in the beginning of our brief.

We thank you for your interest in the matter.

Local 222, United Automobile Workers.

Local 205, International Fur and Leather Workers.

Local 1817, United Steelworkers of America.

Local 521, United Electrical, Radio and Machine Workers.

Oshawa Civic Employees Union.

Local 1255, Street Railway Employees' Union.

Local 332, Oshawa Printing Pressmen Union.

Chairman of Delegation,  
(Sgd.) George S. Thomson,  
President Local 222."

MR. FURLONG: Then I have a telegram from Cole McCubbin, Secretary, Great Lakes Pulp and Sulphite Workers, Local No. 39, addressed to the Honourable G. D. Conant:

"Fort William, Mar 7, 1943.

Hon. G. D. Conant,  
Premier, Parliament Bldgs.,  
Toronto, Ont.

Wages, hours and working conditions and job security are subject matter of collective bargaining. Great Lakes Local No. 39, Pulp and Sulphite Workers respectfully urge collective bargaining with trades unions be made mandatory upon all employers of labour because trades unions are part of the organized machinery of war and peace.

Cole McCubbin,  
Secretary."

EXHIBIT No. 54: C.P. telegram dated Fort William, March 7, 1943, from Cole McCubbin, Secretary, Great Lakes Pulp and Sulphite Workers, Local No. 39, to Premier Conant, re collective bargaining.

THE CHAIRMAN: Mr. Furlong, have you any communications indicating opposition to the proposed Collective Bargaining Bill?

MR. FURLONG: Mr. H. W. Thornton, Secretary Aircraft Lodge 719, Fort William, is in favour of the Bill:

"Fort William, Ont.,  
March 7, 1943.

Percy R. Bengough,  
Acting President, Trades and Labour Congress.

Aircraft Lodge 719, Fort William, strongly object to obstructions to passage of Collective Bargaining Bill. Backing elected delegates to limit. Urge immediate constructive action. Watching proceedings intently.

H. W. Thornton,  
Sec. Lodge 719."

EXHIBIT No. 55: C.N. telegram dated Fort William, March 7, 1943, from H. W. Thornton, Secretary, Lodge 719, to Percy R. Bengough, Acting President, Trades and Labour Congress, re collective bargaining.

Another communication in favour of the Bill is in the form of a telegram, dated Fort William, March 7, 1943, from the Bakery and Confectionery Workers International Union of America, Local 284, addressed to Premier Conant:

"Fort William, Mar. 7, 1943.

Premier G. D. Conant,  
Parliament Bldgs., Toronto, Ont.

Dear Sir: Fully support action for mandatory collective bargaining. Working people of Fort William and Port Arthur standing by watching Government action on the matter. Bakery and Confectionery Workers International Union of America, Local 284, Fort William and Port Arthur."

EXHIBIT No. 56: C.P. telegram dated March 7, 1943, from the Bakery and Confectionery Workers International Union of America, Local 284, to Premier Conant, re collective bargaining.

Another telegram in favour of the proposed legislation is as follows:

"Fort William, Ont., Mar. 7, 1943.

G. D. Conant,  
Prime Minister, Parliament Bldgs., Toronto.

Dear Sir: Local Union 339 of the International Brotherhood of Elec-



trical Workers at the Lakehead call upon and urge you to do your utmost in having legislation passed on collective bargaining.

Yours very truly,

Charles McEwen,  
Reporting Sec'y."

EXHIBIT NO. 57: C.N. telegram dated Fort William, March 7, 1943, from the International Brotherhood of Electrical Workers, Local 339, to Premier Conant, re collective bargaining.

MR. FURLONG: Then a letter expressing objection to any measure of compulsory collective bargaining legislation, dated March 6, 1943, from H. J. Shore, President, Ontario Provincial Dailies Association, and addressed to Mr. E. J. Anderson, M.L.A., reads:

"ONTARIO PROVINCIAL DAILIES ASSOCIATION

Office of the President

Welland, Ontario,  
March 6, 1943.

Mr. E. J. Anderson, M.L.A.,  
Member Select Committee,  
considering  
Labour Collective Bargaining Relations,  
Parliament Buildings,  
Toronto, Ontario.

Dear Mr. Anderson:

At a meeting of the Ontario Provincial Dailies Association held in Toronto on Monday, March 1st, the following resolution was unanimously passed:

'that the President of the Ontario Provincial Dailies Association be instructed to send a letter to the Ontario Labour Collective Bargaining Relations Committee expressing our objection to any measure of compulsory collective bargaining legislation which does not carry equal responsibilities on both parties to the agreement.'

Will you as a member of this Select Committee kindly see that this letter and the resolution herein are brought to the attention of the Chairman and your colleagues?

The publishers of the following papers are members of the Ontario Provincial Dailies Association, nineteen of whom were represented at this meeting:

Belleville Intelligencer  
Brantford Expositor  
Brockville Recorder & Times  
Cornwall Freeholder  
Fort William Times-Journal  
Galt Reporter  
Guelph Mercury  
Kingston Whig-Standard  
Kitchener Daily Record  
Niagara Falls Review  
Oshawa Times-Gazette

Owen Sound Sun-Times  
Peterborough Examiner  
Sarnia Observer  
Sault Ste. Marie Star  
St. Catharines Standard  
St. Thomas Times-Journal  
Stratford Beacon Herald  
Sudbury Star  
Timmins Daily Press  
Welland-Port Colborne Tribune  
Woodstock Sentinel Review.

Yours truly,

(Sgd.) Harry J. Shore,  
President,  
Ontario Provincial Dailies Assoc."

EXHIBIT NO. 58: Letter dated March 6, 1943, from H. J. Shore, President, Ontario Provincial Dailies Association, to Mr. E. J. Anderson, M.L.A., re collective bargaining.

THE CHAIRMAN: Here is a petition that has just arrived by air-mail:

#### PETITION

"We, the undersigned, petition the Ontario Legislature to work with all the energy at its command for the speedy enactment of a Bill guaranteeing the right of Labour in Ontario to collective bargaining, through the unions of its choice and outlawing company unions and banning discrimination by employers against employees for union activity."

Then follow a large number of signatures. There is no address on the document, but the return address on the envelope appears to be: "1457 Drouillard Road, Windsor, Ontario."

EXHIBIT No. 59: Petition re collective bargaining from 1457 Drouillard Road, Windsor, Ontario.

THE CHAIRMAN: What is the next order of business, Mr. Furlong?

MR. FURLONG: The next order of business is the presentation by the Canadian Manufacturers' Association, represented by Mr. D. W. Lang.

MR. LANG: Mr. Chairman, I represent the Ontario Division of the Ontario Manufacturers' Association, and I have with me Mr. H. W. Macdonnell, who is the legal secretary of the C.M.A., and Mr. K. M. Kilbourn, who will read a brief to you on behalf of the Ontario Division of the C.M.A. Mr. Kilbourn is the chairman of the Ontario Division of the C.M.A., elected at the last annual

meeting. He is a resident of Toronto and is president of Wickett & Craig, Limited, of Toronto.

This brief, which I will now have distributed to the Committee, and which will be read by Mr. Kilbourn, covers, I think, sir, matters that will be of interest to your Committee, and I would respectfully suggest that if it meets with your approval Mr. Kilbourn should be permitted to read the brief through without interruption, because I think it will anticipate matters that may arise. After he has finished reading the brief it may be gone into in any way you wish. May I also say, following what was said by an organization last week, that conceivably, subject to your approval, we might wish to file a further submission before you rise. It may be that questions that may come up in this discussion could be answered later in such submission. If that meets with your approval I shall be glad to ask Mr. Kilbourn to read the brief, which will be filed.

THE CHAIRMAN: Very well.

KENNETH M. KILBOURN, sworn.

THE CHAIRMAN: Q. Is the Canadian Manufacturers' Association dominion-wide and split up into provincial divisions?

A. Yes, sir.

MR. LANG: Mr. Chairman, may I file a copy of the constitution and by-laws of the Canadian Manufacturers' Association?

THE CHAIRMAN: Yes.

MR. FURLONG: It will not be necessary to extend the constitution and by-laws of the C.M.A.

EXHIBIT No. 60: Constitution and by-laws (1931) of Canadian Manufacturers' Association.

THE CHAIRMAN: Proceed, Mr. Kilbourn.

WITNESS: Yes, sir.

Submission of the Ontario Division of the Canadian Manufacturers' Association, Inc., to the Select Committee appointed by the Legislature of the Province of Ontario to enquire into and report on Collective Bargaining between employers and employees, presented by Mr. K. M. Kilbourn, Chairman of the Ontario Division of the Canadian Manufacturers' Association, Inc., on Tuesday, March 9, 1943.

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#### RE COLLECTIVE BARGAINING

"The claim of the Ontario Division of the Canadian Manufacturers' Association to be heard by your Committee is based on the fact that its



members include manufacturing establishments which employ the majority of the factory employees of the Province. The Association is a voluntary one, having as its members manufacturers in all lines of Canadian industry. While it originated about 1870, it was incorporated in 1902 by an Act of Parliament. Its purpose and function is to develop Canadian industry and export trade generally. To this end, the Association studies and disseminates information on all questions affecting manufacturing, and provides means for manufacturers to discuss their common problems, but it has no control of any kind over the way in which its individual members carry on their own business or negotiate wages and conditions of labour with their employees. The Association holds an Annual General Meeting, and publishes an annual audited financial statement.

The Ontario Division of the Association represents members in Ontario, operating plants scattered widely throughout the Province. It is estimated that these members produce about 75 per cent of the manufactured goods made in Ontario.

The building-up of industry in Ontario from its very small beginnings one hundred years ago to a gross annual production of the value of \$2,302,-000,000 has been a slow, gradual process. One of its outstanding characteristics has been that it has been done not by a few people with great resources behind them, but by a constantly-growing number of 'small men', individualists, who started in a very small way to supply local needs. Many such concerns have continued as small businesses, whose only growth has been one commensurate with that of the local community. Other concerns have expanded and secured wider markets, throughout the Province, or throughout the country, or even abroad. But it is still a striking characteristic of the industrial economy of Ontario that the overwhelming majority of manufacturing establishments are small. The latest Dominion Bureau of Statistics figures are as follows:

1940 (published in the autumn of 1942)

	Establish- ments	Total Employees	Total Salaries and Wages
Under 5 employees.....	4,569	13,037	\$14,656,798
5- 14 " .....	2,425	20,163	22,068,958
15- 50 " .....	1,707	46,566	53,638,358
51-100 " .....	570	40,584	59,185,505
101-200 " .....	393	55,558	69,417,762
201-500 " .....	274	83,751	106,848,883
501 or over.....	102	112,984	153,582,924
Totals, Ontario.....	10,040	372,643	479,399,188

Compiled by the General Manufactures Branch.

\* While the actual figures will undoubtedly have altered considerably in the last two years, we believe that the general pattern has remained much the same. It will be noted that 8,701 establishments out of 10,040 employ less than 50 employees, while only 102 establishments out of 10,040 employ

over 500. An analysis of the Ontario membership of the Canadian Manufacturers' Association shows that 75 per cent employ less than 100 people, and only 4 per cent employ over 500 people.

It may be of interest to point out that the 10,040 manufacturing establishments in Ontario are located in 298 different places, many of them quite small. In the case of many of these places, the manufacturing establishments are responsible for the major part of the employment of people in the community. This was made clear during the period when Government relief was being distributed, since many of the small industrial communities were able to take care of their unemployed, with comparatively little assistance from the Government. It is not too much to say that one of the chief strengths of the economy of Ontario is that the opportunities for employment in industry are spread so widely throughout the Province, providing, along with farming, forestry and mining, the diversification that makes for stability.

The history of employer-employee relations in Ontario has been exactly what might be expected, in view of the beginnings and the development of industry in the Province. So far as the 8,701 smaller establishments employing less than 50 are concerned, the existing methods of conducting employer-employee relations have been found satisfactory. In the case of the quite small establishments, the employees know pretty well how the business stands financially, how much the proprietor is making out of it, and how much he is able to pay in wages. The proprietor is really very much in the position of senior partner of the actual employees. In the case of the many somewhat larger establishments, employing up to, say, 100 people, the management of the business as a rule is able to maintain personal relations with the employees.

Coming now to the medium-sized and large establishments, there has ever since the last war, been a gradual increase in the number of firms which have set up some kind of employee representation plan, such as a shop committee or works council. These employee representation plans include in their scope machinery for joint employer-employee discussion of some or all of such questions as improvement of shop conditions from a health and safety standpoint, wages, hours, conditions of work, and employee grievances generally. Most of these Councils or Plans, some of which have been in operation for over twenty years, have functioned well. It goes without saying that where they have worked satisfactorily over a period of years, there has been created the mutual confidence which is the indispensable condition of good industrial relations.

As another example of the efforts which have increasingly been made in recent years to develop mutual confidence and co-operation, reference may be made to the following resolution passed by the Association last year:

'In order that the constructive benefits being experienced through employer-employee co-operation in many plants may be extended, it is recommended that full co-operation between employers and employees be developed, in the manner best suited to individual concerns, so as to achieve maximum production and an all-out effort to win the war.'

There is abundant evidence that this policy has been widely followed by manufacturers. One form the co-operation has taken has been the formation of joint management-labour production committees.

According to a statement made by the Dominion Minister of Labour in Parliament on February 22nd, there are approximately 631 labour-management production committees functioning in Canada, at present, representing some 327,000 employees. The great majority of these would, undoubtedly, be in Ontario.

It remains to add that in certain industries, employer-employee relations have come to be carried on to a greater or less extent, through negotiation with trade unions representing the employees. Many of the trade unions in question have been unions representing certain skilled crafts, and the collective bargains entered into have had as their object the safeguarding of the rights and privileges of the members of such crafts.

To sum up, it may be said that employer-employee relations are carried on in Ontario by methods which range from simple personal relationships in the small firms, through works councils and shop committees in the medium-sized firms, to trade union agreements in some of the larger firms. It should be noted, however, that in many of the very largest firms works councils have been functioning for many years, apparently with satisfaction to both employees and employers. That the existing methods of conducting employer-employee relations are, generally speaking, giving satisfaction to the great majority of employees, is evidenced by the fact that the percentage of Ontario factory workers who have seen fit to join trade unions is somewhere between 15 per cent and 18 per cent.

The attitude of Ontario manufacturers to the proposal to pass compulsory collective bargaining legislation is determined largely by the history and present condition of employer-employee relations, as outlined above. So far as the right of workers to form themselves into trade unions and to bargain collectively is concerned, this has been recognized by employers for many years. As long ago as 1919 the National Industrial Conference, which met at Ottawa, and was attended by representatives of both employers and workers, formally recognized the right of employees to join any lawful organization. In spite of some isolated judicial opinion to the contrary, it is generally agreed that there is nothing illegal about a trade union as such. Collective bargaining is also legal. No statute, or order, is necessary to guarantee to workers the right to join a trade union or to bargain collectively.

If, however, the trade unions feel that there is uncertainty as to their legal status, it is suggested that legislation should be passed removing such uncertainty and giving trade unions in Ontario the same legal status as they enjoy in Great Britain by virtue of the Trade Disputes Act of 1906 and amending legislation.

However, if legislation declaring the legality of trade unions and of collective bargaining is to be passed, it should take account of the obligations as well as the rights of employees, the rights as well as the obligations of employers. It should provide for:



- (1) the registration of trade unions and the fying of full constitutions, by-laws and financial returns and the accounting by unions to their members.
- (2) the legal responsibility of trade unions to carry out contracts entered into;
- (3) the legal responsibility of the employers; and
- (4) provision protecting the employees who may join trade unions from self-perpetuating officers by requiring annual free elections.

If the employer is to be protected, every statute providing for the right of workers to join a union should require every union covered by it to file a copy of its constitution, rules and by-laws and an annual list of the officers authorized to represent it. In addition, it should be required to file annually a general statement of its receipts and expenditures and to render to its members a true accounting of all money received by it. More or less detailed provisions of this kind will be found in the Industrial Conciliation and Arbitration Act of British Columbia and the Trade Union Act of Nova Scotia. They are necessary if an employer is to know with whom he is to deal and if the members of a trade union themselves are to be protected. The rights conferred on unions by the statute should be made contingent upon the fulfilment of their obligations with respect to filing.

Furthermore, if there is to be legislation guaranteeing and safeguarding the right of an employee to join a trade union, it should also safeguard the right of an employee not to join a trade union. In other words, if there is to be provisions for punishing an employer for seeking by intimidation, or other unfair means, to prevent a worker from joining a union, then equally there should be provision for punishing trade unions or their agents for seeking by intimidation, or other unfair means, to compel a worker to join, or to continue his membership in, a trade union. This has been clearly recognized and taken care of in the Labour and Industrial Relations Act of New Brunswick, and the Strikes and Lockouts Prevention Act of Manitoba. Only thus would the principle of freedom of association be adhered to and applied.

The principle of freedom of association has a further implication, namely, that the worker should have the right to decide not whether he will join a union, or refrain from joining, but also what kind of union he will join. Thus, if he wishes to join a so-called independent union, any legislation based on the principle of freedom of association should ensure him that right. This is of special importance in this Province, since as has been shown, the overwhelming percentage of the factory workers have up to the present, seen fit to conduct their relations with their employers not through outside unions, but through works councils, shop committees, independent unions, and otherwise. As has been pointed out, when employers and employees have been negotiating with each other through this kind of machinery over a period of years, that mutual confidence has been built up which is the basis of all good employer-employee relations. It would, it is submitted, be most unwise to make it impossible for such ma-

chinery to continue to be used by employers and employees who have learned how to make it work satisfactorily. Both common sense and abstract justice, it is submitted, require that workers should have the same right to join an independent union as they have to join any other type of union.

The argument that 'Independent Unions' are never free of management domination, and therefore should not be recognized as bargaining agencies, should not, it is submitted, prevail. It proceeds on the principle that an employer has no right to interest himself in any way in the question of what type of labour organization his employees should adopt, which, in effect, means that the employees are to be restricted to the advice and guidance they receive from trade unions. This principle pressed to the extent it was by the labour unions in the United States in connection with the administration of the Wagner Act ended with the absurdity that while a labour union might advise workers that they were required to join the union, such advice being untrue, the employer was not permitted to advise workers that they need not join a union in order to hold their jobs, such advice being true. It is submitted that no safeguards against undue management domination of an independent union should lose sight of the fact that an employer, while he has no right to intimidate his employees into joining an 'independent union' or refraining from joining a trade union, has a perfect right to state the facts of the situation to his employees and give his advice as to their best course. To deny this is to deny the fundamental right of free speech.

A still further implication of the principle of free association is that a worker's right to employment should not depend on his belonging to a particular union any more than it should depend on his belonging to no union. This means that the 'closed shop' principle should have no place in any legislation on collective bargaining. It is just as unfair and as destructive of freedom as it would be to pass a law that no one could carry on manufacturing in Ontario unless he was a member of the Canadian Manufacturers' Association, that no one could engage in the retailing business unless he were a member of a Retail Merchants' Association, or engage in agriculture unless he were a member of some agricultural association. If the 'closed shop' principle were applied widely enough it would mean that if a worker refused to join the union in one plant he would find it impossible to get a job anywhere else. The inequality in bargaining power between the individual worker and an employer would pale into insignificance in comparison with the defencelessness of an individual worker against a trade union with the 'closed shop' system well established. It is interesting to note that polls recently taken by five or six different research organizations in the United States showed that 66 per cent of the public are opposed to the 'closed shop' and believe in the 'open shop', that is the principle that a worker should have the right to join or not to join a union as he pleases; and that only 20 per cent of the union workers themselves favour the rigid closed shop. Again, to the question whether workers should be forced to stay in the union if they want to get out, 80 per cent of the public answered: 'No'. In other words, 80 per cent of the United States public is opposed to the forced 'maintenance of membership' principle, viz., that a man can't walk out of the union of his own free will without forfeiting his job. There



is no reason to believe that the Canadian public would take a different view of what amounts to the transferring from management to the unions of the right of discharge. A further objection to the closed shop principle at the present time is that it would cut right across the compulsory transfer provisions of the National Selective Service Regulations.

Closely associated with the question of the 'closed shop' is that of the so-called 'check-off', the collection of union dues by the employer. No such practice, it is submitted, should be countenanced much less made obligatory. It is objectionable and unsound for the same reasons as the 'closed shop'. It is interesting to note that the polls recently taken in the United States show that of the union leaders themselves only 46 per cent, while of the union members only 29 per cent, favour the 'check-off', while 42 per cent of the leaders and 61 per cent of the members consider that the union should collect its own dues. It is significant that in Great Britain the 'check-off' is unknown, the union leaders themselves being opposed to it.

It remains to add that it is illusory to expect that the enactment of collective bargaining legislation is going to work any miraculous change in employer-employee relations. As a matter of fact, as the Minister of Labour himself pointed out recently in the Legislature, the record of Ontario in the matter of time lost through strikes has in these war years been good. Furthermore, an analysis of recent strikes shows that the most serious of them have taken place in plants which were unionized. The suggestion that non-unionization means turmoil and strikes and unionization means peace, harmony and maximum production is completely refuted by the facts. The key to satisfactory employer-employee relations, as has been pointed out, is the creation of mutual confidence and it is not too much to say that substantial progress in that direction has been made in Ontario by the different methods which have been referred to above. It is respectfully submitted that it would not be sound for Ontario, in the middle of a desperate war, to abandon methods of handling employer-employee relations which have apparently given satisfaction to from 80 per cent to 85 per cent of the workers themselves, and have resulted in employment conditions which compare favourably with those in a highly-unionized country like Great Britain.

Even if all the safeguards advocated above were adopted, we submit that to make collective bargaining compulsory at the present time would have a disturbing effect on employer-employee relations and on war production efficiency. If American experience is any guide, the trade unions would regard such legislation as a 'go' signal, and would proceed to endeavour to unionize all the plants which seemed worth while from their point of view. This would mean, primarily, the great war industries where thousands of new inexperienced workers have been taken on during the last three or four years. The method employed would be to demand a vote to establish whether the majority of the employees wished to be represented by the union in question. What such an election would mean in the way of high-pressure canvassing and pre-election promises needs no elaboration. Thousands of comparatively new industrial workers who would be voting in such elections would have no means of knowing whether promises made could be fulfilled, for example whether promises to secure increased wages could be



made good, in view of the established wage ceiling. It is submitted that elections held under the conditions that would almost inevitably prevail would hardly lay a good foundation for sound and harmonious employer-employee relations for the future.

In conclusion, we beg respectfully to raise the question whether the Province of Ontario would not be well-advised in the matter of collective bargaining legislation to follow the example of Great Britain, rather than that of the United States. In Great Britain, collective bargaining has been widely and successfully practised for many years, but there has never been a statute enforcing trade union recognition or compelling collective bargaining. Organized labour has been able to secure collective agreements because, in the first place, it was strong, and in the second place, it was well disciplined, and showed itself willing and able to carry out its agreements. In the United States, on the other hand, the trade unions have demanded and secured assistance from the State in the form of union recognition and compulsory collective bargaining legislation. In other words, in the United States, an attempt has been made by statute to do what has been done in Great Britain by voluntary and free action on the part of trade unions. It is a fair inference that the reason why organized labour in the United States and Canada has demanded compulsory legislation is that it has not been strong enough and well-disciplined enough, to secure the same recognition as organized labour in Great Britain. It may be replied that in England what made possible the development of a sound and responsible labour union movement was the establishment of the right to organize in full freedom from interference, and in the enjoyment of the immunity given by the Trade Disputes Act of 1906, from all actions in tort, and from the liability flowing from such common law doctrines as civil conspiracy, and inducing breach of contract which still underlie labour law in the United States and Canada. As to this, our suggestion, as already stated, is that if doubt still exists as to the legal status of trade unions in Canada, it should be removed by legislation, thereby putting Canadian trade unions in the same position to secure collective bargains as British trade unions."

THE CHAIRMAN: You might file the copy of the brief which you have read.

WITNESS: Yes, sir.

EXHIBIT No. 61: Submission of the Ontario Division of the Canadian Manufacturers' Association, Inc.

Examined by MR. FURLONG:

Q. Mr. Kilbourn, I take it from this brief that you have no objection to the unions enjoying all the freedom that they have in Great Britain at the present time, and that the manufacturers are not opposed to collective bargaining—

A. In principle, no.

THE CHAIRMAN: Q. I beg your pardon?

A. In principle, no.

MR. FURLONG: Q. —but you are opposed to being forced to bargain collectively?

A. That is correct.

Q. So far as the check-off and the closed shop are concerned, the unions are not asking that those shall be compulsory. The only thing that has been asked for thus far is that the employer be forced to bargain collectively with an agent for the majority of the employees. Now, if the majority of the employees by secret ballot say: We want so and so to bargain with our employer collectively for us, do you think there is anything wrong with that?

A. I think we cover that in our brief, Mr. Furlong.

Q. You cover it in this way, that you say you are in favour of collective bargaining, but you do not want to be forced to bargain with an agent selected by a majority of the employees?

A. We cover such a wide field and different types and sizes of industries, that it is difficult to answer Yes or No. I wonder if counsel might answer that question?

MR. MACDONNELL: May I answer that question?

MR. FURLONG: Yes.

MR. MACDONNELL: We are really repeating what is in the brief. The point of view of our members is that it is far better to follow the British practice of putting the trade unions in a position to bargain, and to keep away from the American practice of trying to pass a statute defining what is meant by "bargaining agent" and setting out what are to be unfair practices by employers and employees. In other words, we say the moment you get into that field you are up against what Mr. Finkelman referred to the other day when he spoke of some 40 volumes of 1,000 pages each of decisions of the courts or of special tribunals set up to administer the Wagner Act in the United States—40 volumes of 1,000 pages each of decisions on such questions as whether the employer has exercised too much influence in the organization or operation of certain company unions, as they call them over there. We say that to follow the example of the United States will involve similar difficulties over here, and that in the long run that is not going to make for good industrial relations but, on the contrary, that it will produce exactly reverse results. We think that particularly in the middle of a war the passing of legislation of that kind is going to mean that up and down this province there will be pressure on employers to have voting in the plants, and the members of this Committee know far more about elections than the rest of us do. As we try to say in the brief, the members of the Committee know what elections in one plant after another would mean, particularly these great war plants where you have, in the case of the great majority of employees, young, inexperienced people who do not know anything about labour relations. All they know is that they are now getting two or three times as much pay as they ever got before, and when they are told that if they join a union they will get further pay, naturally they fall for it. That is what we think it would mean if such legislation were passed in war time. As we say in the brief, why not put the unions on the same footing as they are in Great Britain?

MR. FURLONG: Mr. Macdonnell, the employees represented by unions are only asking that the employer should be forced to sit around the table and discuss terms of employment with a representative of the employees chosen by secret ballot by a majority. Now, after all, is it not the duty of an employer to discuss terms and conditions of employment with his employees at any time?

MR. LANG: Our brief really covers that, does it not, Mr. Furlong?

MR. FURLONG: I think your brief says you are not in favour of compulsory collective bargaining?

MR. LANG: Yes.

MR. FURLONG: I wanted to find out whether Mr. Macdonnell is not thinking of the employers being forced to enter into agreements.

THE CHAIRMAN: Do counsel and the witness agree on what compulsory bargaining means? As I understand it, no labour organization has asked anything further than that the employers should be compelled to sit down and discuss terms with representatives of any given union. No one has asked that in case they cannot agree a government official shall be sent in to draft an agreement for them, and that that agreement must be carried out between the two parties.

MR. LANG: That is quite clear. Of course, it would be an extraordinary thing if legislation were to be enacted to provide for an agreement for parties who could not agree. We appreciate that fully.

THE CHAIRMAN: So long as you understand that compulsory bargaining just means sitting around the table and discussing the points at issue.

MR. LANG: May I make this comment: Early in this inquiry I think it was brought out that collective bargaining agreements are very common in the Province of Ontario, and my understanding of what was said last week is that in the great majority of plants employing any large number of men there are collective bargaining agreements in force. We are in favour of collective bargaining agreements, but definitely we cannot say for our members that we are in favour of compelling collective bargaining agreements.

THE CHAIRMAN: You mean that the great majority of your members are quite willing to sit down and make collective bargaining agreements with a company union or an international union, but you do not want those who are not willing to do so to be compelled to do so?

MR. LANG: No; we do not believe in compulsion along those lines under our British system.

MR. OLIVER: Is not that a hard position to defend?

MR. FURLONG: Mr. Chairman, I think the representatives of the C.M.A. have made quite clear to me what their views are.

MR. B. LASKIN (representing the International Ladies' Garment Workers Union and the Amalgamated Clothing Workers of America):



Mr. Chairman, I would like to suggest another task for Professor Finkelman. Since he was good enough to say that there are 40 volumes of the United States National Labour Relations Board reports dealing with collective bargaining, I suggest he might usefully spend some more time in informing us how many volumes and pages cover the reports of boards of investigation and conciliation under the Industrial Disputes Investigation Act in Canada dealing with the refusal of employers to bargain collectively. Further, I think we would have a more adequate picture of what such refusal to bargain collectively has meant to Canada if we were to go to the reports of the various departments of labour and ascertain exactly how much time has been consumed in dealing with the refusal of employers to meet with their employees. I think that is something that might better enable us to understand the nature of the problem.

THE CHAIRMAN: While the witness is in the chair, perhaps you should direct your questions to him.

MR. LASKIN: I do not know whether the witness is Mr. Macdonnell or Mr. Kilbourn.

WITNESS: I hope it is Mr. Macdonnell.

MR. LASKIN: Q. Mr. Kilbourn, you stated in your brief that the Canadian Manufacturers' Association is quite willing to see that trade unions should be put in the position to bargain?

A. Yes.

Q. My point, Mr. Kilbourn, is that trade unions are in the position to bargain right now?

A. Obviously. You have all sorts of unions that must be working satisfactorily, judging from the evidence as to the number of unions represented here.

Q. It seems to me that there is a slight confusion in the brief in dealing with the status of trade unions rather than with collective bargaining. Let me put it this way, that the trade unions are now, as you say in your brief, legal organizations?

A. Yes.

Q. And if they are legal organizations they are in a position to bargain, therefore they do not need any additional legislation to put them in that position, as your brief suggests?

A. That is what we say, but if the law officers and this Committee decide otherwise and are of the opinion that they need some strengthening, we are quite prepared to accept it.

Q. I do not want to touch on legal points, but to make clear to the Committee that the position which the Canadian Manufacturers' Association brief takes has to do not with collective bargaining but with the status of trade unions. Now, it may be, as the gentleman says, that they are tied up, but I would like

to see the emphasis placed on the collective bargaining aspect, which is what the Committee is concerned with.

(No response.)

Q. The brief also states, I believe, that the employers have recognized collective bargaining. By that you mean, Mr. Kilbourn, that you will bargain collectively—I do not want to put it unfairly—(a) if there is an organization of employees of which you approve?

A. Oh, no.

Q. That is not correct?

A. No.

Q. Then, (b) you will bargain collectively if there is an association of employees which will compel you to do so?

THE CHAIRMAN: Whom to you mean by “you”?

MR. LASKIN: The manufacturers or employers.

MR. LANG: Perhaps Mr. Kilbourn can answer that question from his own experience or attitude, but the Canadian Manufacturers' Association is a voluntary association, and the brief represents the consensus of their views. I do not think Mr. Kilbourn is in a position to answer a question like that for the other members of the association in the province of Ontario.

THE CHAIRMAN: That is why I asked Mr. Laskin what he meant by “you.” Pronouns are very often misleading.

MR. LASKIN: That is true, Mr. Chairman.

Q. I understand from the brief that the Canadian Manufacturers' Association takes the position that they do not want to see disturbed the existing situation in which organizations fostered by the employer or encouraged by the employer are in existence?

A. That is substantially so.

MR. LANG: The answers are in the brief.

MR. LASKIN: Q. Then the employers affiliated with the Canadian Manufacturers' Association are quite willing to bargain—

THE CHAIRMAN: The witness made it quite clear in an answer to a question by myself that a great many of the manufacturers belonging to the Canadian Manufacturers' Association are quite willing to bargain with duly elected representatives of a company union or any other kind of union, but certain members of the C.M.A. are not willing to do so. I think that was made clear.

MR. FURLONG: Yes.

MR. LASKIN: With due respect, sir, that does not meet my point. Probably my language is not very lucid this morning.

MR. LANG: Let us get to the point.

MR. LASKIN: I will come to the point:

Q. The employers affiliated with or belonging to the Canadian Manufacturers' Association are willing to bargain collectively with organizations of their employees which they have fostered or organized?

MR. MACDONNELL: We did not say anything of the kind.

THE CHAIRMAN: I did not see that in the brief.

MR. LASKIN: Let me ask that question:

Q. Is it so?

MR. LANG: That is not a question, it is a statement.

THE CHAIRMAN: I imagine it would be so, if it could be.

MR. LASKIN: Exactly.

Q. And in the case of the bona fide trade union movement or the trade union movement represented by the Trades and Labour Congress of Canada and the Canadian Congress of Labour the position of the members of the Canadian Manufacturers' Association is that they do not want to bargain with them unless they are compelled to do so?

A. Oh, no.

MR. FURLONG: No; that is not correct.

MR. LASKIN: As a question of policy?

MR. HAGEY: That is not in the brief.

MR. MACDONNELL: We have made it clear that many of our members have entered into collective bargaining agreements with unions.

THE CHAIRMAN: That is quite clear to me.

MR. FURLONG: There is nothing in the brief stating that the Canadian Manufacturers' Association are opposed to collective bargaining. The only thing they ask is that no legislation be passed compelling them to bargain collectively. They are willing to bargain, but they do not want to be compelled by statute to do so.



MR. LASKIN: I understand that sir. There are one or two other small points: The brief of the Canadian Manufacturers' Association made it quite clear that they were opposed to the closed shop.

THE CHAIRMAN: I do not think we need waste time on that, because nobody is asking either for the closed shop or the check-off, which are the two big battle points in the United States to-day.

MR. LASKIN: Q. The brief also made mention of the fact that the Canadian Manufacturers' Association, Ontario Division, was in favour of encouraging joint management-labour production committees?

A. Yes.

Q. Now, for the information of the Committee I think it is only fair to draw attention to the experience in Great Britain. The Financial Post of March 6—

THE CHAIRMAN: I do not want to interrupt you, but I think I should do so. I think at this stage you should just direct any questions you want to ask to Mr. Kilbourn or Mr. Macdonnell, and if there is any further submission you desire to make in answer to the brief of the Canadian Manufacturers' Association I think it should be made at a later stage. Let us confine ourselves at the present time to questioning the witness to see if we can get any further information from him.

MR. LASKIN: I am satisfied.

THE CHAIRMAN: Any further questions?

MR. J. A. SULLIVAN (President of the Canadian Seamen's Union):

May I ask the witness a question?

THE CHAIRMAN: Yes.

MR. SULLIVAN: In the brief of the Canadian Manufacturers' Association they state that they view with alarm—perhaps not in exactly that language—the wave of organization throughout Ontario in the war plants where young and inexperienced workers have been employed within the last two or three years. Is that correct?

A. Yes.

Q. Do you consider a young man of 19 years who joins up and goes overseas old enough to know what he is fighting for and what he believes in?

MR. LANG: What has that to do with the point at issue?

MR. SULLIVAN: I think it is a fair question.

THE CHAIRMAN: I think it is a fair question.

MR. LANG: The answer is Yes, of course.

WITNESS: Yes.

MR. SULLIVAN: Q. Therefore the young man who stays at home and makes munitions is old enough to know what he is fighting for and what he believes in?

A. I do not think he knows his mind as well as the man who went overseas, and whose place he has taken.

MR. BREWIN (Counsel for the United Steel Workers of America):

Q. Where do you get your figures showing that only 15 per cent to 18 per cent of the workers have seen fit to join trade unions?

A. Our counsel, Mr. Chairman, have some figures to file substantiating several matters in the brief.

Q. I would be very interested to see them?

A. They are from the Dominion Bureau of Statistics, 1940.

Q. You have not checked them up to date?

A. As up to date as we can; they were published in 1942.

THE CHAIRMAN: If counsel for the C.M.A. furnishes the figures, will that be satisfactory?

MR. BREWIN: Yes.

MR. LANG: I shall be glad to file them.

MR. BREWIN: Q. Then you assume satisfaction with the conditions that exist from the fact that only that percentage of the workers are in trade unions. Has it ever occurred to you that one of the reasons why there are not larger numbers of workers in trade unions is because, as we have lots of evidence here to indicate, fear prevents many working people from joining trade unions? Have you given thought to that?

A. I have given thought to it, but I do not believe it is true.

Q. Have you heard the evidence here?

A. I have heard some of it, from interested parties.

Q. Then in the brief you state at page 6:

"So far as the right of workers to form themselves into trade unions and to bargain collectively is concerned, this has been recognized by employers for many years."

MR. LANG: Why don't you read the next sentence?

MR. BREWIN: I wanted to make it short, if I could, but if my friend wants me to read the next sentence I shall be glad to do so:

"As long ago as 1919 the National Industrial Conference, which met at Ottawa, and was attended by representatives of both employers and workers formally recognized the right of employees to join any lawful organization."

Is that enough, Mr. Lang?

MR. LANG: That is enough. That includes members of the Canadian Manufacturers' Association, of course.

MR. BREWIN: Oh, yes.

Q. The question I wanted to ask is whether you had heard the evidence given by the Minister of Labour as to the large number of troublesome disputes that have occurred during war time because of the refusal of employers to recognize trade unions chosen by the employees?

A. I read in the newspaper that the Minister mentioned a limited number.

Q. Perhaps we cannot agree as to what is large and what is limited?

A. I thought he emphasized the relatively small number, Mr. Chairman.

THE CHAIRMAN: Do not pass it to me! (Laughter.)

MR. BREWIN: We can all read what the Minister said, Mr. Chairman, but my impression of his evidence is that there were a considerable number of serious disputes and stoppages apart from strikes which depended upon the question of recognition.

MR. LANG: I think that question was answered before by the witness. I do not see why he should be asked twice.

MR. BREWIN: If he does not want to answer it, very well.

MR. LANG: The witness has answered it.

MR. BREWIN: Q. Then it was stated that the Canadian Manufacturers' Association preferred the British system of trade unionism. Have you studied the history of British trade unionism?

A. Our officials have.

Q. Your officials have?

A. Yes. You are a lawyer and I am a manufacturer, and I am working as long or longer hours as anyone in our place.

Q. I am sure you are an intelligent manufacturer?



A. I do not know; sometimes I question that. I am right 51 per cent of the time.

Q. Since you have come before this Committee to give evidence about trade unionism and to advocate that we follow the British example, I suppose you have taken a little time off to study the history of trade unionism in Great Britain?

A. Yes.

Q. And I suggest to you that the struggle to establish the right of trade unions in Great Britain has occupied over a hundred years.

MR. LANG: I have heard this speech before.

THE CHAIRMAN: Let us be friendly. Do not let any rancour get into these proceedings. Thus far the proceedings have been conducted on a friendly basis. Mr. Kilbourn is not an expert on trade unionism, perhaps, but he does not need any protection. Thus far we have got along splendidly because everybody has kept his head and helped to preserve a friendly atmosphere.

MR. BREWIN: I just wanted Mr. Kilbourn to tell me whether he agrees with me that there has been in fact a very bitter struggle and much violence in Great Britain in the effort to establish the right of collective bargaining.

WITNESS: Undoubtedly there are cases, as you say, all the way through. All I know is that the Canadian Manufacturers' Association are like this Committee, anxious to preserve friendly relations. Things are getting better, and we want to see them keep on getting better, assisted by any reasonable legislation that may be necessary.

MR. BREWIN: Q. I suggest that if the minimum, as you say, of employers who will not accept collective bargaining can be prevailed upon to do so during war time we might be able to by-pass the trouble they had in Great Britain over the course of centuries?

A. Yes, but you are not trying to say that you want to take advantage of wartime conditions and the bitter struggle now raging to settle things that have taken a great many years to settle?

Q. No, but I suggest to you that if legislation can help us to avoid that struggle, it would be valuable to get that legislation?

A. We have suggested the legislation we have in mind, and without any satire may I say we are just as interested as anybody in the country in having good employer-employee relations, and to assist in the advancement of Ontario in war and peace.

THE CHAIRMAN: I think the Committee realize the views of both sides. There is an honest difference of opinion to a certain extent.

MR. BREWIN: I do not want to argue with the witness, Mr. Chairman, so I will sit down.

THE CHAIRMAN: Oh, no, proceed if you desire to do so.

MR. BREWIN: No. I meant that I did not want to argue with him any more because there is a difference of opinion, apparently.

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MR. STEPHEN FITZPATRICK: Mr. Chairman, I would like to clear up a misunderstanding that I feel exists here.

THE CHAIRMAN: Whom do you represent?

MR. FITZPATRICK: I am with the Steel Company of Canada (Hamilton).

THE CHAIRMAN: Proceed.

MR. FITZPATRICK: It is mentioned in the brief that has been read that the Canadian Manufacturers' Association are not against collective bargaining, and I believe it.

THE CHAIRMAN: They are against compulsory collective bargaining.

MR. FITZPATRICK: Yes, they are against compulsory collective bargaining, and I believe that the stumbling block not brought out is this: Let us suppose that the manufacturers or a set of manufacturers agree to sit down automatically with representatives of the C.I.O. or the A.F. of L., or what you have, and in the course of a couple of days' discussion they make up their minds to say: "All right, we will have a vote—

THE CHAIRMAN: I do not follow you?

MR. FITZPATRICK: I am putting a case to bring out a point, Mr. Chairman. Let us suppose that they mutually agree to have a vote in a particular plant. What automatically happens?

THE CHAIRMAN: A vote about what?

MR. FITZPATRICK: As to bargaining agents.

MR. NEWLANDS: How do you get these people in there if they are not bargaining agents?

MR. FITZPATRICK: I want to bring out a point to show this misunderstanding. Let us suppose that they have agreed and said: "All right, we will agree to let the plant have a vote." What automatically happens inside of a day? At the top of that lane you have one hundred individuals—I will not state any particular figure—who are bombarding the workers with propaganda.

MR. MACKAY: Who do they represent?

MR. FITZPATRICK: The representatives of unions. Now, in P.C. 2685 it distinctly states that the workers are to have freedom to join organizations of

their own choice, and that is very fair; but as far as I am concerned I have not seen anything in this Act—

THE CHAIRMAN: What Act?

MR. FITZPATRICK: P.C. 2685.

THE CHAIRMAN: That is not an Act; that is an order-in-council.

MR. FITZPATRICK: Yes. There is no paragraph of any kind in that order-in-council that gives one set of bargainers the right by propaganda to bring about an unnatural decision under the prevailing conditions. It seems to me that if this order-in-council was carried out in its full sense, that is literally, it would mean that after the employer—and this is a supposititious case—and the workers' representatives have mutually sat down and agreed to have this vote, they should both cut out the propaganda completely and leave it to the boys to record their decision after the vote. To me that would be pure democracy. But to let one side or the other, I do not care which, start a campaign of propaganda, having regard to all the vituperation that goes with it, does not make sense. I only brought this out to try to clear up what I consider is a misunderstanding in the brief in this case.

THE CHAIRMAN: Has any member of the Committee any further questions to ask?

MR. MACDONNELL: Mr. Brewin asked about the origin of the figures as to the number of members of trade unions in Canada. I have here Hansard for the 11th February, where Mr. Humphrey Mitchell, the Minister of Labour, stated at page 350:

“The figures show that trade union membership has increased more in the last two years than in any other period since the last war. The number increased from 365,000 in 1940 to nearly 462,000 in 1941. The increase in 1942 for the three major organizations was over 55,000.”

That would give you something over half a million, and the total number of workers in Canada is something like 3,000,000, which would give you what?

MR. FURLONG: One-sixth.

MR. MACDONNELL: The figure of the total number of employees in Canada of 3,000,000 is probably very conservative, I suggest.

THE CHAIRMAN: Would you go as far as Mr. Kilbourn went in answer to Mr. Brewin and say that there has been an anxiety on the part of a great many workers about joining a union because of the fear that they would get fired?

MR. MACDONNELL: That, of course, is a matter of opinion. I would submit, Mr. Chairman, that that is the least of the factors that have brought about the present condition. As we say, between 82 per cent and 85 per cent of the workers are not members of unions. Now, it is a matter of opinion, but we say that the element of fear is the least of the factors entering into it.



MR. LANG: Arising out of a question asked by my friend Mr. Furlong, may I refer your Committee to two matters. One is with reference to the record of strikes in the United States. I take this from the United States Bureau of Labour Statistics:

"Analysis of strikes, serial No. R-939." I should like to file an extract from that as an exhibit. My reason for filing it is that it shows by percentage in the United States the causes generally of strikes over a period of years, and it shows in an ascending scale from 1932 to 1939 the percentage of strikes caused by the question of union organization. The reason I put this in is because the question was raised as to the experience in Great Britain. I suggest that this table has some bearing on the experience in the United States with its Wagner Act and similar legislation.

EXHIBIT No. 62: Table re Major Issues involved in strikes in the United States (U.S. Bureau of Labour Statistics):

"TABLE 2: MAJOR ISSUES INVOLVED IN STRIKES  
UNITED STATES

Year	Wages and Hours	Union Organization	Miscel- laneous
1927.....	41.0%	36.0%	23.0%
1928.....	35.8	36.5	27.7
1929.....	40.4	41.3	18.3
1930.....	43.6	31.8	24.6
1931.....	56.1	27.8	16.1
1932.....	65.7	19.0	15.3
1933.....	55.4	31.9	12.7
1934.....	39.5	45.9	14.6
1935.....	37.9	47.2	14.9
1936.....	35.1	50.2	14.7
1937.....	29.9	57.8	12.3
1938.....	28.0	50.0	22.0
1939.....	26.5	53.5	20.0
1940.....	30.2	49.9	19.9

(U.S. Bureau of Labour Statistics)"

Then may I put in one more exhibit, sir, taken from the Labour Gazette of May, 1942: "Strikes and lockouts in Canada and other countries, 1941." This is extracted from page 30 of that report, and it shows a comparison of the man days lost in Canada as against the man days lost in the United States by strikes from the year 1935 to the year 1941, inclusive. It also shows the number of plants involved in those strikes. Generally speaking, a comparison of the figures, giving effect to the difference in population, shows the number of establishments affected and the number of man days lost as almost double in the United States during those years.

EXHIBIT No. 63: Extract from Labour Gazette, May, 1942, re Strikes and Lockouts in Canada and other countries, 1941 (Dominion Bureau of Statistics):

"STRIKES

	Canada		U.S.	
	Ests.	Man days lost	Ests.	Man days lost
1935.....	120	288,703	2,014	15,456,337
1936.....	156	276,997	2,172	13,901,956
1937.....	278	886,393	4,740	28,424,857
1938.....	147	148,678	2,772	9,148,273
1939.....	122	224,588	2,613	17,812,219
1940.....	168	266,318	2,508	6,700,872
1941.....	231	433,914	4,212	22,923,374

Dominion Bureau of Statistics  
Labour Gazette."

THE CHAIRMAN: It looks as if we are not going to be able to conclude with the Canadian Manufacturers' Association before luncheon.

MR. LANG: That is all we have to submit, sir.

THE CHAIRMAN: There are one or two matters in the brief that rather intrigue me, and I think I shall ask Mr. Kilbourn if he can return at two o'clock this afternoon.

MR. LANG: Very well, sir.

Witness stood aside.

Whereupon the Committee adjourned at 1.00 o'clock p.m. until 2.00 o'clock p.m.

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AFTERNOON SESSION

TUESDAY, MARCH 9, 1943

On resuming at 2.00 p.m.

THE CHAIRMAN: All right, gentlemen, you will please come to order.

MR. FURLONG: Mr. Chairman, I understand you desire to ask a question.

THE CHAIRMAN: It was my desire to ask a question of Mr. Kilbourn, as there was a point which was not clear in my mind, but I had a chance of discussing it at the noon adjournment with Mr. Furlong. It has been now cleared up, so I have nothing further to ask Mr. Kilbourn.

Have any of the other members of the Committee any questions to ask of him?

MR. HAGEY: I have, sir.

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K. N. KILBOURN, recalled. Examined by MR. HAGEY:

Q. In your brief, sir, do I understand you to mean you are not asking for the incorporation of unions?

A. We have asked for it.

MR. MACDONNELL: We have asked for registration.

MR. HAGEY: What page is that, Mr. Macdonnell?

MR. MACDONNELL: Page 7; at the top of page 7.

MR. HAGEY: You are not asking for incorporation, sir?

A. Not necessarily; some form of registration, incorporation, as your Committee recommends.

Q. Those are two different things?

A. Well, I think it is covered in the brief. What page is it?

MR. MACDONNELL: Page 7.

THE WITNESS: We have been over that and discussed it.

MR. MACDONNELL: We do not ask directly for incorporation, anyway; it is inferred.

MR. FURLONG: You would be satisfied with registration?

MR. MACDONNELL: Yes. It is referred to at page 7 as putting responsibility on unions if they ask for legal or legislative recognition of various kinds. We think it is only fair to say we should be in a position of knowing with whom we are dealing.

MR. HAGEY: How do you reconcile that with the end of your brief at page 13?

MR. MACDONNELL: In what way?

MR. HAGEY: You are referring to the Trades Disputes Act of 1906 in England.

MR. MACDONNELL: Well, under the English law, as I understand it, there is registration.



MR. HAGEY: But it is not compulsory.

MR. MACDONNELL: No; it is optional.

MR. FURLONG: It is permissible.

MR. MACDONNELL: But, on the other hand, there is no compulsory feature of the British law as regards employers either, but we say if you are asking the Legislature and the employers, both, to do something, it is only reasonable you should on your part base it on registration.

MR. FURLONG: Does any member of the Committee wish to ask any further questions?

THE CHAIRMAN: If not, thank you, Mr. Kilbourn.

THE WITNESS: Thank you, sir.

THE CHAIRMAN: Any other representations to be made on behalf of the Canadian Manufacturers' Association?

MR. LANG: No, sir. I have no other witness, sir, but before we leave, I should like to ask Mr. Macdonnell to make a statement as to a question which was asked before luncheon, if I may.

THE CHAIRMAN: Very well.

MR. MACDONNELL: Mr. Chairman, one or two observations made by one or two members of the Committee suggested they had the idea the position was that 96, or 97 or 98% of the members of the Canadian Manufacturers' Association were bargaining collectively themselves, and had no objection therefore to collective bargaining being made compulsory, it would not affect them and that sort of thing, but that they were sticking out against it being made compulsory in order to stand up for a minority of one or two per cent, or whatever it may be, of employers, who, it is alleged, are refusing to bargain collectively. I just wish to make it clear that is not the case at all. This 96 or 98% of the members who are bargaining collectively now in the various ways referred to in the brief are, themselves, opposed to the collective bargaining being made compulsory. You see, they are doing it for themselves, not simply for the one or two per cent, and they are objecting to it being made compulsory for the reasons set out in the brief that they think it would lead us in this province into the same morass of litigation and so on which they have in the United States over the question of bargaining units, unfair practices and so on, and, as I said this morning, it would mean votes being precipitated in the various plants and would just lead to an unholy amount of turmoil and so on in war time. The point is that it is not a case of the majority objecting to compulsory bargaining being made compulsory in the interests of the very small minority, but they are objecting to it because they think it would be bad for them and would, as I say, make impossible the carrying on of the methods of collective bargaining which they themselves are using.

THE CHAIRMAN: In other words, you think it would make it about as diffi-

cult as you were told you were making it for the Committee, because the union said "If we do not have collective bargaining we will have strife and turmoil," and you say "If we do we are going to have strife and turmoil." We are damned if we do, and we are damned if we do not.

MR. MACDONNELL: Yes, sir.

MR. LANG: In conclusion, I wish to thank you and the other members of the Committee for hearing us to-day and I repeat or reiterate what I said this morning, subject to your approval, if later on we may see fit to submit further material we may do so. Unlike another organization which was here last week, we are not asking for any secret session with the Committee.

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MR. FURLONG: Next on the list, Mr. Chairman, is the United Copper and Nickel Workers organization, represented by Mr. Facer.

#### UNITED COPPER AND NICKEL WORKERS

E. C. FACER, sworn.

THE CHAIRMAN: Q. This is presented on behalf of and for the United Nickel and Copper Workers?

A. Yes, sir.

Q. All in Sudbury or in different places?

A. The Sudbury district.

Q. Very well.

A. I wish to make it plain at the outset I am appearing here only in the capacity of spokesman for the union. I, myself, am not a union man. I am a lawyer. I have been associated with them in their efforts. I wish to make it plain also that the contents of this brief is composed of information supplied to me by them.

I have with me the president and vice-president of the union, to be sworn as witnesses to answer any questions which may arise. What I am about to read to you represents their views as they have expressed them to me.

Q. Very good.

MR. FURLONG: You may sit down, Mr. Facer, if you like.

THE WITNESS: Thank you. The brief reads:

"This organization is an independent union, and while as yet in its infancy is composed of and represents men engaged in an industry where any industrial strife at the present time would do more harm to the war

effort of the United Nations than in any other industry. The industry we work for is unique inasmuch as it produces the entire supply of nickel for the United Nations and there is no other one similar to it existing in Canada. The conditions are peculiar to it, and we therefore realize our grave responsibility.

Our union is absolutely independent, formed by the men themselves, and came into being from within, by the banding together of employees without the assistance of the company or organizers from any outside source. For years there have existed our benefit or welfare association in each of the various mines, smelters, and the refinery in our district. In fifty years of operation there has been no strike or threat of strike. The Company has provided great recreational facilities, pensions, group insurance, Christmas bonuses and holidays with pay, with the result that there was a number of employees not interested in unionism at all. The welfare associations had, after a fashion, assisted in adjusting various minor grievances that arose between an employee and the management, but there was no co-relation between the various welfare organizations existing in each mine or plant, and they were not labour unions and did not have the complete machinery for dealing with grievances.

Early in May of 1942 one of the Associations, namely the Copper Cliff Smelter Welfare Association, feeling that more definite and specific arrangements should be provided for handling grievances with the Company, wrote to the management requesting a meeting between their representatives and the management to discuss means of adjusting employment conditions, seniority, wages and other labour matters. These welfare associations unquestionably represented a large majority of the employees, but the feeling of the employees was that with the forward movement of labour we should have more definite arrangements for adjusting grievances with the company and obtaining improvement in working conditions, etc., than the loose method of the various welfare associations. Numerous meetings were held between the company and the employees' committees representing each of the various associations, resulting in the company agreeing to recognize and negotiate with representatives of the welfare associations as representing the men regarding labour problems as their collective bargaining agents. This was in November of last year.

The employees, however, were not entirely satisfied that the associations were not to some degree dominated by the management or that the protection against discrimination for union activities was extended to them. Furthermore the constitutional arrangements under the various welfare associations were not satisfactory, and it was then decided to form into labour union. A complete reorganization took place. A new constitution was drawn providing for one central union executive having locals in each of the mines, smelters and refineries in the district, with membership open only to hour rate and per day work rate employees and excluding any person having authority to hire or fire. New memberships were obtained, new elections were held. Negotiations are now under way with the management for necessary changes and amendments in the previously made arrangements.

Our union came from the employees themselves, was formed on their



own time, at their own expense and without help from any one. Our membership has grown and is growing. We pay our own office rent, collect and retain our own dues with an apportionment between the local and the central treasuries. The company has not assisted or encouraged us—on the other hand it has not discouraged us.

However, some organization for an international union who had been in and out of town on a previous occasion opened expensive headquarters with a staff of nine full-time paid organizers, and have actively engaged in a campaign to put a local of their union in, using all the high-pressure propaganda at their disposal, the organization being headed by the same man who had been in charge of the Kirkland Lake strike.

We are against company-dominated unions or unions that are forced on the employees by the management for their own purposes. We also say that a union foisted upon the employees by glib-tongued paid outside organizers with high-pressure propaganda and seemingly limitless bank accounts, with funds sent in from the outside for that purpose, and using the lowest of methods, are equally objectionable and no more truly representative of the true wishes of the employees than a company union.

We are not convinced that their interest goes beyond the great potential financial return to the treasury of the foreign union from 12,000 Canadian employees each month, particularly once they would be able to establish themselves as the agency of the workers and through the closed shop put all the employees at their mercy. We recognize that employees should be entitled to organize in any organization that they themselves freely choose, and that such organization is their strength and protection in enforcing their requirements for the improvement of hours of labour, working conditions, etc., with the employer, but we realize as well that the employees should be protected from the inroads of professional union organizers interested only in new union dues and accumulation of power.

We feel that there is nothing that any outside union can get for us from management that we can not secure ourselves through our own union. We believe that a collective bargaining agreement presupposes an independent union formed by the employees themselves to bargain with their employers. We feel that we ourselves know best what we want and we are in the best position to determine our own fate. Many international constitutions make it compulsory for the international to be a party to or approve of any collective bargaining contract. Therefore we claim that all employees should be entitled to organize in any organization and belong to any union which they themselves freely choose, and trust that in whatever legislation is passed nothing should be done to legalize or harm our type of union. We believe that the ideal of a union formed by the men themselves through their own efforts and with their own ideas with the subsequent right, if they themselves so choose, to affiliate with a union of international scope, but without subjecting themselves to foreign domination, should be fostered. We further advocate that an Ontario Labour Relations Board be established to deal with any grievances without the necessity of a strike vote."

With respect to that last paragraph, I do not wish to be misunderstood.

We do not wish to give up the right to strike. Our experience in labour matters, as I say, is somewhat limited, and we appreciate that, but it has been our information that if we have agreements with a company within our organization dealing with the company and we come to the stage at which we have reached a stalemate, before we can call in another independent board or organization to sit down with us and possibly persuade the management to listen to us, or on the other hand persuade us to listen to the management, we have to take a strike vote. We understand that before we can do that we have to take a strike vote.

THE CHAIRMAN: Q. That is, under the Dominion legislation?

A. Yes, sir.

MR. FURLONG: Q. Well, Mr. Facer, the headquarters of this organization is in Sudbury?

A. In Sudbury, sir.

Q. How many members have you now?

A. That is something I do not feel would be in the best interests to expose just at the present time by reason of the fact we do not feel it is in our interest to have management know exactly how many members we have, or the other rival union which is attempting to get in there at the present time.

Q. Have you a majority?

A. We feel we have a majority.

MR. ANDERSON: Q. Does it include the plant at Port Colborne?

A. No. In Sudbury there are a number of mines in the surrounding district within an area or within a circumference of roughly twenty miles—

Q. Mines and smelters?

A. Yes. There are two smelters, one refinery and a number of mines.

MR. FURLONG: Q. How many employees in the area?

A. There are 12,000 men eligible for membership in the union. That is, including, as I say, those who have supervisory power.

MR. OLIVER: Q. How many members has the union?

THE CHAIRMAN: He said he did not want to answer that.

MR. OLIVER: I am sorry.

THE WITNESS: I have said in the brief that at the time they first agreed to enter into negotiations with us they represented a majority.

MR. FURLONG: Q. Well, according to this brief, Mr. Facer, all you really ask for is to be free to choose a union—that is, your employees—without any coercion or domination from the employer, employee or any other organization of any kind?

A. Yes. The impression seemed to be abroad—we have frankly been accused of being a company union. That possibly is the reason that we decided to appear here and make our position clear as to how we came into existence. The impression also seemed to get abroad the feeling seemed to be that independent unions, dominated or not, were just a nuisance.

Q. How do you select the committee representing your members? How is it selected?

A. That is, the committee which deals with the executive on those things?

Q. Yes.

A. It has to be rather long and complicated by reason of the fact that conditions are different in each branch of the industry there. In the mine there is a committee of that local to take up the grievance. The grievance is first taken up with the foremen. Therefore, the same committee will take it up with the superintendent of that mine.

THE CHAIRMAN: Mr. Furlong wishes to know how the representatives are elected.

THE WITNESS: Oh, by ballot.

MR. FURLONG: That is what I wanted to get at.

Q. Is that a secret ballot?

A. Yes.

Q. Does the company in any way interfere with the conduct of the taking of the ballot?

A. No, not to my knowledge. I was not there, but I have Mr. Moland present, whom I would like to call. He was a member of the welfare committee which originally started the agitation. He has gone through one election, having just been recently elected.

THE CHAIRMAN: Then, he ought to be able to tell us how it is done.

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T. MOLAND, sworn. Examined by MR. FURLONG:

Q. Mr. Moland, you can probably tell me just how your committee is appointed.



A. In the first place, we hold elections by secret ballot. We borrow the ballot boxes from the city and elections are held open for two days in order to give every man in the plant a chance to speak. That is, that election is for private stewards and from amongst those stewards are nominated the officers.

THE CHAIRMAN: Q. You mean the stewards nominate among themselves the officers?

A. No. The men nominate the officers from amongst the stewards. We hired a hall and opened nomination meetings. Those officers were elected. The president and vice-president and so on in each local was elected by all the members of hourly rate men in the plant. The members of the central executive are elected by these officers, two men from each plant, from amongst and by the officers.

Q. And they are the ones who sit down and discuss the grievances with the men?

A. Yes, they are.

MR. FURLONG: Q. Have you negotiated an agreement with the companies?

A. We did negotiate an agreement and signed an agreement with the company in November, but we did that as a welfare association. The set-up was not satisfactory to us, and we have had a complete reorganization and we are now independent altogether. We have no initiation fee. The dues are one dollar a month and our dues carry all our expenses of our union. The company has not interfered in any way or tried to, in our elections.

MR. OLIVER: Q. Your present union really grew out of what could be properly described as a company union?

A. Yes, but we broke away from the company altogether.

MR. HAGEY: Q. Do you accept the principle of the majority rule?

A. Yes, sir.

Q. In other words, if some other organization had 51 per cent of your membership you would consider they were the proper bargaining agency for all the men?

A. Yes, we would.

MR. FURLONG: I do not think there is a great deal of difference in the contention of this organization and any other.

THE WITNESS: You see, since we started negotiations with the company a rival organization has come into town, and, like it says in the brief, with nine paid organizers they have tried to break down our union to set up their own. They have sent petitions to the Ontario government to outlaw our type of union. That is why we wanted to submit a brief to show that we are not a company union.

THE CHAIRMAN: Q. You want to be left alone?

A. Yes. We already had a bargaining agreement with the company. We could not see any necessity for that other union to come in and try to interfere for any other reason than that they wanted the dues those 12,000 men would be paying in to their organization instead of ours. We feel that we can get as much from the company as any other organization.

Q. You say, I take it, you would not want legislation passed prohibiting them from trying to sell the idea or the merits of their union over and above your union?

A. No, not at all.

Q. If they are good enough salesmen to sell it and can eventually get more than you can get yourselves, if the majority swing that way you would not have any objection to that?

A. That is true, but their record of strife and strikes in Canada is very bad. In fact, they have threatened on several occasions that what they want to do is get in there in spite of the company agreement and good relations with the company, and they are willing to go to the extreme of causing a strike to get that recognition.

Our industry is the most important, we felt, in the metallic industry to-day. It would tie up all the metallic industry of the united nations to-day if that plan was followed.

MR. FURLONG: Well, they have not been able to do that to date.

THE WITNESS: Not to date.

Q. That is one of your worries, but that has not happened?

A. No.

Q. And if they do obtain a majority of the members you see no objection to the majority rule obtaining. In other words, you say you think you have a majority of the employees now, therefore you are the bargaining agent, but if the majority of the employees join another union and it was so proved, they would be the bargaining agent?

A. Yes.

THE CHAIRMAN: In other words, the poor old minority—

THE WITNESS: Would be out.

MR. FURLONG: They have to sit with the opposition during the life of the Legislature.

THE CHAIRMAN: Q. I suppose the theory is that the majority can look after themselves, but the secret of democracy is to try to protect a minority?

A. Yes.

MR. FURLONG: I do not think you need to worry very much, Mr. Moland. Your ideas are a good deal along the line of the regular union.

THE WITNESS: I would like to say that we do want this bargaining legislation to go through, but we feel that management of any plant should have to sit down and negotiate with the representatives of labour in the plant.

Q. In other words, you are in favour of compulsory collective bargaining?

A. Yes.

THE CHAIRMAN: Are there any questions any of the Committee would like to ask?

MR. H. ROWE: I would like to ask the witness a question.

Q. Is it not true that the Mine, Mill and Smelter Workers Union has been organized in Sudbury for the past two years?

A. They did start to organize, but I understand they left town for a matter of eighteen months or so, and they came back again.

Q. But they did organize before the association was formed?

A. Yes, before this one, but they were inactive at the time our negotiations started and an agreement was entered into. They were very inactive and they became active since.

MR. CURRIE: I appear on behalf of the Trades and Labour Council, Fort William.

Q. You say that last November, while you were still a welfare association, or, as you have admitted, a company union, the company did sign an agreement with you?

A. Yes.

Q. This agreement was not satisfactory to the workers, the majority of the workers, so you formed a union. Have you since becoming a union signed another agreement with the company?

A. No.

Q. You have not. Have they been willing to sit with you?

A. Yes, they have.

Q. And you have not come to any agreement?

A. No.



MR. BREWIN: Q. You said at one time you represented a majority of the employees. How did you find that out? How do you know you did?

A. By the membership list of the different welfare associations.

Q. You said you were not ready to state you represent a majority now?

A. No.

Q. In other words, since your new organization has been formed you do not really know whether you represent the majority or not?

A. The membership of the welfare association voted at the end of the year. It ran from year to year. It ended at the end of the year and we have been signing up new members since the beginning of the year.

Q. But you have not yet signed up enough new members to make yourself a majority?

A. I do not believe we are a majority, but I am sure we are the largest organized body of men in those plants.

Q. I did not quite catch what you said about the election. Do you tell me the representatives are not elected by the members of your organization but by all the people in the plant whether or not they are members?

A. In Copper Cliff this year, as it was a new organization just getting on its feet there, just starting, every man in the plant was given the chance of voting whether or not he was a member.

Q. Every member in the plant was given a chance to vote whether or not he was a member of your organization?

A. Yes.

Q. Who conducted that vote?

A. The vote was conducted by the welfare association.

Q. And what about the fees? Have you any objection to telling me about what fees your members pay?

A. The fees are a dollar a month.

MR. FURLONG: Surely we are not here to investigate the question of fees.

THE WITNESS: It is a dollar a month, but there is no initiation fee.

THE CHAIRMAN: He gave that evidence before.

MR. BREWIN: Q. I think you have already told the Committee you are not a company union dominated by your employers?

A. Yes.

Q. If you were a company union dominated by your employers you would not object to legislation dealing with such an organization?

MR. NEWLANDS: That is hardly fair.

MR. FACER: I think it has been set out in the brief they can join any union they please.

MR. BREWIN: Q. You would not object to any legislation providing for someone investigating whether or not you were a company union, and, if they found you were, then making it illegal to bargain with you?

A. No, not at all. We are not at all afraid of registration because we have nothing to hide.

Q. I did not mean that exactly. You have no objection to some administrative body or representative of the government having the power to come in and find out whether you are really a company union?

A. Not at all.

Q. I think that is all.

MR. A. ANDERSON: We had a member from the Federal Government sent to Sudbury to investigate whether or not it was a company union and we never had any word about it. We were permitted to continue, I mean.

MR. FACER: I think he came and examined the interchange of correspondence between the then welfare association and the management, and he satisfied himself the pressure had come from them.

MR. MOLAND: We have correspondence from a time of six months before we got the union fees.

MR. NEWLANDS: Surely we are not interested in the correspondence this man has.

MR. FURLONG: Mr. Anderson, is there anything you can add to the last witness's statements?

MR. ANDERSON: I do not know, sir.

THE CHAIRMAN: Perhaps Mr. Anderson had better be sworn.

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A. ANDERSON, sworn.

I have heard and read so much about they being an international union, their not asking that we be forced into their kind of union business, but it is a different thing where we are because they are preaching from the platform that nothing can operate only that kind of union.

THE CHAIRMAN: Q. What is your occupation?

A. Vice-president of this union.

Q. What would you like to tell the Committee?

A. The stuff that is being preached on the platform where we are in opposition to us is just like I said. I would like to answer that man in regard to the question of opposition. They were in existence two years before and they got out and stayed away for eighteen months, because the same men—

Q. People use pronouns, which mean something to the people who are doing the talking but which mean nothing to the people who are listening. Who are "they"?

A. I mean the organizers of the international union. They were in existence two years ago in Sudbury, but they did not make any headway, so they pulled out and at the time we started negotiations with the company to change from a welfare to a union they were actively engaged just about the termination of the Kirkland Lake strike. They are exactly the same men who are in our midst to-day. They were certainly not active in Sudbury while they were active in Kirkland Lake. While we were actively engaged with the company there was nobody engaged in organizing any opposition at that time.

In our case, sir, a union such as our union knows there is a grave responsibility now resting on the nickel industry. Our tonnage is 6,200 to 10,000 tons a day sometimes. Two weeks' tie-up would mean disaster. We are giving nickel and other necessary metals to airplane plants and so on. I say, Yes, men must have the privilege of joining a union of their choice, but it is not always a case of joining a union of your choice. When you have salesmen paid the way they are, they are selling a union but they are not selling the constitutional rights of that union to the men. I think the government should pass legislation whereby the government approves of a constitution. Even if there is international unionism there can be a United Steel Workers of Canada Union and there can be a United Steel Workers of America Union, but they should operate under separate constitutions to suit those countries, because, referring to the constitution of the union which is in opposition to us, mind you, one clause of that constitution gives the president of the American Union full authority to tie up the nickel district without a vote on a sympathy strike. If there was a little copper mine down in their country with ten men out on strike he would have full authority under the sympathy strike clause to call out the men in the nickel district.

MR. MACKAY: Are you trying to convey the fact that a sympathy strike could be called in a plant up here, in Sudbury, in respect of nickel?

A. Yes. I would like to read that, if you will permit me.

MR. ANDERSON: There is no need. We understand it.

MR. FURLONG: Have you a copy of that constitution you can file with us?



A. Yes. It is under the head-note "Strikes and Adjustments." Section 1 is on a proper, democratic vote, the way we Canadian people want it.

Section 2 reads:

"Section 2. In case of a strike being in progress in the jurisdiction of the International, where a union or unions of the International is on strike, regularly ordered by the union or unions and the Executive Board, and in the opinion of the President and the Executive Board it becomes necessary to call out any other union or unions in order to carry the strike to a successful termination, they shall have full power to do so."

There is no question of a vote in the second paragraph at all. What chance has this country against Hitler and these people if one man has full authority to pull out men from the world's most vital industry to further or to bring to a successful termination a strike in any of his little unions anywhere?

MR. MURRAY: Q. You are of the opinion that you would be called on strike, without any troubles of your own, in sympathy of some other strike perhaps over in the United States if you joined the C.I.O. or some other union?

A. That is exactly what that states.

THE CHAIRMAN: Q. Do you mind filing that?

A. I certainly do not.

EXHIBIT No. 64: Article 8, "Strikes and Adjustments," Constitution of the International Union of Mine, Mill and Smelter Workers.

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MARGARET SEDGWICK:

Q. Representing the Packing House Workers Organizing Committee, Mr. Anderson said some time ago the organizers folded up. Tell us under what circumstances they folded up or withdrew from Sudbury?

A. They folded up through lack of membership and funds and pulled out of the district.

Q. Is it true that what happened to them was their office in Sudbury was broken into and their organizers were broken up?

A. When I said they folded up it was two years ago. When their office was broken into was one year ago. That case was filed as a revenge business on the part of Kirkland Lake miners who came to Sudbury.

Q. In other words, the organization was resumed in Sudbury some months before your organization got started?

A. What do you mean? No; they had been there only one day. Maybe they intended to resume business. I believe they were there only one day.

They set up business and put their shingle out. I am only telling you what I believe and what I understand, because I was interested in it. I believe the next day a bunch of men came from Kirkland Lake looking for work and they ganged up on the organizers who had caused the grief up there and smashed up the office. There must have been something legitimate to it because there were no charges laid.

Q. But nobody ever tried to smash up your office?

A. No, not yet.

MR. ROWE: Q. Are you agreeable to a vote?

A. Any time they like.

Q. Under government supervision?

A. Any time they like we will vote.

Q. Is it true that the head office of the International Nickel is in Boston?

A. Is is true that the head office of the International Nickel is in New York, but it is also true that the International Nickel Workers get paid in Canadian money.

Q. Is it not true that the International Nickel Company has an agreement in the United States with a local in the Mine, Mill and Smelter Workers Union?

A. That is true, but we are not operating under the Wagner Act in Canada. I might remind you that in Denver, Colorado, there is a place which is supposed to have two pennants for production. Our production as recorded by the government for 1942 gives us 500 million pounds of nickel, but the government did not give us pennants, or we would have them strung up all the way down the stacks.

MR. BREWIN: Q. You have told us something about this constitution. Have you ever heard of a strike in Canada being called by the International Union in sympathy with some other strike in the United States?

A. The fact we have never heard of it never gave them a better chance to know. Anybody who is interested in the welfare of this country knows the chance if they are interested in the downfall of the country in calling such a strike.

Q. Have you ever heard word of any case of a sympathy strike called in Canada by some international representative?

A. I have never heard of it, but it is possible it might happen. If it cannot happen why is it in the constitution?

MR. CURRIE: Will this gentleman tell us why, if his union has functioned so well, the company has not signed an agreement with them as it did with the company dominated welfare?

THE WITNESS: The original agreement still exists and we are negotiating now for amendments to the original agreement.

Q. In spite of the fact it was so unsatisfactory to the workers that they overthrew the welfare society and formed a new one, it still exists?

A. The fees were a dollar a year in the welfare, and they are a dollar a month in the union, and there are lots of Scotch people in the union.

MR. MCCLURE: Q. Representing Local 1009, United Steel Workers of America, is it not true that also in the constitution of the Mine, Mill and Smelter Workers there is also a provision that no strike can be called without the sanction of the International president, and is it not also true that the Mine, Mill and Smelter Workers Union, as a member of the Congress of Industrial Organizations, has given both in Canada and the United States a no-strike pledge? There are two questions for you to answer.

THE WITNESS: A no-strike pledge has proved to be absolutely worthless. It has proved to be absolutely worthless since this war started. It is like every other agreement; it can be broken. A no-strike pledge has been broken and to the extent that when the United States gave us fifty destroyers we laughed our heads off at the Germans, the United Steel Workers of America pulled out their men for a few days, and we lost enough production to build a flotilla of modern destroyers.

THE CHAIRMAN: All the members of the Committee are engaged in sitting in the House. There is an important meeting in the House this afternoon. I was hoping we would be able to get through here. There is another meeting here scheduled for to-night, and any of the people who have representations to make may come.

The Committee will meet again at 7.30 p.m.

As Speaker of the House I invite every one of you who cares to come up and see the House and how laws are made in the House. If you go into the Speaker's ante-room you will be supplied with tickets and you may sit in the gallery. There you will find out how your laws are made—at least on the surface.

Whereupon, on the direction of the Chairman, this Committee adjourned until 7.30 p.m.

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## EVENING SESSION

TUESDAY, MARCH 9, 1943

On resuming at 7.30 p.m.

THE CHAIRMAN: All right, gentlemen; will you come to order, please?

Mr. Furlong, what is the business for this evening?



MR. FURLONG: The first association to be heard to-night, Mr. Chairman, is the Association of Technical Employees, represented by Mr. Dawes.

Mr. Dawes, will you come here and take the oath?

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ASSOCIATION OF TECHNICAL EMPLOYEES

PHILIP P. DAWES, sworn. Examined by MR. FURLONG:

Q. Mr. Dawes, tell me what is the Association of Technical Employees?

A. Mr. Chairman and gentlemen, the Association of Technical Employees is briefly described in the brief we are submitting to-night.

It is only my intention to communicate or announce to you that our National Secretary is also going to submit and present this brief. A number of our delegates and people from out of town are not able to be here. We had a large number scheduled to appear. A number of them, also, are working overtime.

Is it approved by the Committee that Dr. Shugar shall read this brief?

THE CHAIRMAN: Yes.

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Examined by MR. FURLONG:

Q. Doctor, will you proceed with your brief, please?

A. With pleasure.

"The Association of Technical Employees, a national organization chartered directly by the Trades and Labour Congress of Canada, includes amongst its members, architects, engineers, chemists, draughtsmen and technicians. These are organized into branches, or locals, situated mainly throughout the Provinces of Ontario and Quebec, and includes members as far west as Vancouver.

In view of the presentation of our parent body, The Trades and Labour Congress of Canada, the other day, we feel that it is unnecessary for us to review the basic needs of a genuine collective bargaining Bill.

The Association of Technical Employees fully endorses and subscribes to the brief presented to this Committee by the Trades and Labour Congress of Canada.

We do feel, however, that it is necessary to bring the status of the engineer and technician, as determined under present Federal legislation, to your attention.

Following a dispute between our Association and certain companies in

1941, the A.T.E. applied for a board of conciliation. Objection was taken to this by the companies concerned on the grounds that our members were not employees as defined under the Industrial Disputes Investigation Act. The Department of Justice supported this and ruled that the work of technicians involved the application of 'scientific knowledge or imagination' as distinct from manual or clerical skill; and that such persons were not included in the category of the term employee under the Act.

No one will dispute the importance of the 'scientific knowledge and imagination' of the engineer and technician in this highly mechanized war which requires all the technical skill at our disposal. It would therefore appear obvious that the specialized training of the technician should not stand in the way of his being permitted to bargain collectively with his employer for better working conditions.

It was partly in recognition of these facts that the Department of Labour, in response to briefs submitted by this Association, partially remedied this ruling including technicians within the meaning of the term employees in Order-in-Council P.C. 10802, which provides for collective bargaining, although not compulsorily, in Crown companies. Thus in Crown companies technical personnel now enjoy the same standing as other employees with regard to collective bargaining.

We believe that similar provision should be extended to technical employees in all other sections of industry. We would like to bring to your attention the fact that in Great Britain and the United States technical men enjoy the full benefits of all labour legislation and large organizations of technicians have been functioning for years.

We hold that any collective bargaining Bill should clearly and unequivocally recognize technical personnel as employees under the provisions of the Bill.

One further point. This morning the spokesman for the Canadian Manufacturers' Association stated that he did not believe there were many cases of the use of fear or intimidation on the part of the employers towards employees joining a union.

It has been our experience that the contrary is the case. Throughout the four years of our existence the growth of our organization has been continually hindered by employers who have, by threats of dismissal and by actual dismissal, discouraged membership in our organization.

We believe the Bill to be proposed by this Committee should provide for penalties against employers who exercise discrimination against an employee to prevent him from joining an organization of his own choosing."

Q. Am I to take from this that your organization is a union to which technical employees are attached, or of which it is organized?

A. Correct.

Q. In other words, you are a union and your membership is confined to these technical employees?

A. That is correct.

Q. What you propose is that where there is a majority of technical employees who desire to be unionized in your union you should be the bargaining agent? Is that it?

A. That is correct.

Q. Your organization. There are very few technical employees in most companies. Is that right?

A. The number of technical employees in any company is generally a small number compared to the total number of office and stock employees.

Q. Such as engineers, architects—?

A. But, on the other hand, there are a number of firms in which the size of the technical staff will run into several hundred, not necessarily of university graduated engineers, but a good many technically trained people.

MR. ANDERSON: Q. What would they include

A. I mentioned at the beginning that the people included are draughtsmen, engineers, chemists—

Q. Machine designers?

A. Not necessarily; depending on just what his work is. If he is a machine designer in the draughting room—

MR. FURLONG: Q. How many members have you at the present time?

A. We have not the exact number, but it was over 600 at the beginning of this month.

Q. And, is that throughout the Dominion or throughout the Province?

A. That is mainly in Quebec and Ontario. We have some in the West.

Q. How many in Ontario?

A. In Ontario it would be about 325.

Q. Have you a number of locals in Ontario?

A. Yes; there are some.

Q. How many?

A. Five locals in Ontario.



THE CHAIRMAN: Will you speak up, doctor?

THE WITNESS: I am sorry. There are five locals in Ontario.

MR. FURLONG: Q. Are there any other unions of a similar nature in Ontario?

A. None to our knowledge.

Q. You are the only one?

A. Yes.

Q. Rather, yours is the only one?

A. Yes.

Q. Have you a parent body?

A. The Trades and Labour Congress of Canada.

Q. I see; the A.F. of L. I think that is all.

A. We are directly chartered by the Trades and Labour Congress.

Q. You are really a subsidiary?

A. We are actually independent.

MR. DAWES: We are a national union.

MR. FURLONG: Q. You are not international?

A. No.

THE CHAIRMAN: Any questions any members of the Committee would like to ask, or are there any questions by interested counsel or other parties they would like to ask the witness now?

I would like to ask this question of the doctor:

Q. To what extent has this union baiting or attempted union busting been carried on by employers so far as your men are concerned?

A. I think I outlined the one method.

Q. I saw that. That was one of the methods employed—to dismiss, or threaten to dismiss a man unless he refrained from joining a union. To what extent have you found that on the part of the employers? Is it widespread, or are there a number of employers who act that way?

MR. DAWES: I think I can answer that better than Dr. Shugar.

THE WITNESS: Yes.

MR. DAWES: We have found in the early stages after organization had proceeded over a certain period fairly quietly and we were able to enlist a large number of technical staffs intimidation was cut down, but as we moved into certain organizations and certain plants and the knowledge of this came to the attention of certain employers, then intimidation did take place fairly quickly.

THE CHAIRMAN: Thank you. Are there any further questions?

MR. FURLONG: No further questions.

If that is all you have to say, doctor, thank you.

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MR. FURLONG: We will now call on the United Steel Workers of America, at Hamilton, represented by Mr. McClure, and represented at Toronto by Mr. F. A. Brewin.

I may say Mr. Brewin has been sitting here now for a couple of weeks with us. I hope he will not repeat himself.

THE CHAIRMAN: I hope he is not prejudiced.

MR. BREWIN: I have a lot of material. I think it would be convenient if I distributed copies of a brief which I have to members of the Committee.

THE CHAIRMAN: First, you had better be sworn.

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#### UNITED STEEL WORKERS OF AMERICA

F. ANDREW BREWIN, sworn. Examined by MR. FURLONG:

Q. Mr. Brewin, is the United Steel Workers of America affiliated with the Congress of Labour?

A. Yes, it is, Mr. Chairman and Mr. Furlong. As you will see in the opening paragraph of our brief we explain that the United Steel Workers of America have approximately 25,000 members in Ontario. The Canadian section is affiliated with the Canadian Congress of Labour. The International Union is affiliated with the Congress of Industrial Organizations.

Q. Is this international?

A. Oh, yes, I will give you a copy of our constitution later, if you like.

Q. Very well.

A. I think perhaps the best way to proceed would be to read the brief and perhaps to make a few comments as I go along.

THE CHAIRMAN: Very well.

THE WITNESS: I must say to the Committee I am rather sorry to be bringing this matter on at this hour of the night, but the difficulty is that we have some people from Hamilton who have been here all day. They want to get back. That is the reason for it coming on now:

"The United Steel Workers of America have approximately 25,000 members in Ontario. The Union has a large number of locals in the United States of America and Canada and its total membership of January 15, 1943, was 725,625. The International Union is affiliated with the Congress of Industrial Organizations. The Canadian section is affiliated with the Canadian Congress of Labour.

The representatives of the Canadian Congress of Labour, Mr. Mosher and Mr. Conroy, have already put before your Committee very clearly and forcefully the need for collective bargaining legislation and the views of the unions which are represented by the Congress"

including, of course, the United Steel Workers. It is not necessary to repeat what they have said and nothing I am going to say will conflict with any of their representations.

"As a matter of fact, the representations of the Trades and Labour Congress of Canada are also to the same effect, so that your Committee will find that labour speaks with a united voice on the necessity for this legislation."

I do not think there is any difference, in substance, between what we are going to say and what the Canadian Congress has said and what the Canadian Labour Council Congress has said.

"The Steelworkers are, however, making these submissions through me to supplement the submissions already made on their behalf by the Canadian Congress of Labour because their experience as a large industrial union developing very rapidly will enable them to be of particular assistance to the Committee. It may be also that the Committee may wish to inquire into the organization of a large industrial union and the Steel Workers, as a typical example, would be glad to supply any information that the Committee may require."

If I may stop here and say that steelworkers in the United States, as I have explained here, are associated with the C.I.O., and if there are any questions about the organization of our unit any Committee member wants any information in respect of we will be very glad to answer those questions.

The next paragraph deals generally with the subject of collective bargaining.

"The first question which the Committee must ask itself is whether it is in favour of the institution of collective bargaining. General acceptance of collective bargaining in principle at the present time is expressed by all. We only wish to emphasize in this connection that in our experience we have found that collective bargaining not only leads to harmony and the



absence of industrial strife and of the loss of production that results therefrom, but that it also leads to fuller production, to security and towards increasing the stature, wellbeing, dignity and happiness of the individual worker. Collective bargaining is the means whereby labour and the employer are brought into a kind of partnership."

I am not going to enlarge on that except to say it is the very sincere feeling of our members that that is the fact and it is not any formal expression which is put in this brief.

"At the present time in Ontario industrial workers are only organized in independent unions to the extent of about 25 per cent. The further extension of collective bargaining has been made impossible by the hostility of management and the complex of fear which has dominated many industrial workers. We believe that no more important contribution could be made to the winning of the war than the growth of a strong, dynamic and all-embracing labour movement in this industrial province. It is sometimes said that the absence of actual industrial disturbances is an indication that workers are satisfied. We believe that a long course of paternalism has in many cases created a false impression. Workers who are not represented by independent unions and who do not enjoy collective bargaining are not satisfied with their status but have lost, through fear, the means of expressing themselves. If it is said to this Committee that workers are satisfied with anything less than genuine collective bargaining in unions free from employers' control and domination, we can only say that this is entirely contrary to our whole experience and our knowledge of the industrial workers. Workers crave to be recognized as human beings, to be treated with respect, to be given the opportunity to find satisfaction in their daily work through the free play of their inherent creativeness. Collective bargaining is a means to this end as well as a protection for their security of employment, wage rates and working conditions. We believe that the creative participation of workers in the planning of their own industry through collective bargaining and union-management co-operation is the key to full production. However inadequately it may be expressed, this hope for industrial democracy is a powerful weapon with which to stimulate the morale of the people who are called upon to bear the heavy strain of long hours and arduous conditions in war industry. Your Committee, therefore, is faced with an urgent task."

I wonder if I might stop here for a moment and ask the Committee when they have time to look at this pamphlet which I am now producing and which the steel workers got out in the early stages of the war to show our views on this are not suddenly arrived at for the purpose of impressing the Committee but have been the basis of the attitude of the representatives of the steel workers from the very beginning of the war, that this is not any glib patriotic sentiment just to impress this Committee, but is the very basis of the outlook of our members. I think when the Committee have taken time they will find the pamphlet extremely interesting to show the contributions the steel workers have been seeking to make from the very beginning. This is very near the beginning of the war, anyway.

I will not take time to read it now. I hope the Committee with all its arduous duties will find time to look at it, because they will find it interesting.

EXHIBIT No. 66: Pamphlet entitled "Victory Needs Steel."

MR. HABEL: Q. Tell the Committee on what date this pamphlet was issued.

A. It has a date on it, I think. I have given out all my copies, sir. I think it has a date in the introduction, probably. The date I see is December, 1941. I think it was about that time. It was more than a year ago, at any rate. I am sorry I cannot give you the exact date. I thought it would be there.

THE CHAIRMAN: I am reading from page 8. It says:

"In the financial section of the *Toronto Globe and Mail* for March 19th, 1942,"

and so on. It must have been after that date.

THE WITNESS: I am told it was about a year ago. I am sorry I cannot give you the exact date.

MR. OLIVER: Then it would not be at the start of the war.

THE WITNESS: No. I am wrong about that. It reviews the position, the sort of position they have taken from the beginning.

I think perhaps I had better resume dealing with my brief.

"Assuming that collective bargaining is, therefore, desirable, not in one part of industry but throughout industry,—"

We believe it is not satisfactory that collective bargaining should be part of the industrial picture. We want to see it extended because we think it is good in itself and helpful to the community as a whole. We wish to see it extended throughout industry.

"the problem of legislation is to create the conditions under which such collective bargaining can come about with a minimum of friction and disturbance to the industrial effort.

The second question that the Committee has to consider is whether or not there is need for *compulsory* collective bargaining legislation in Ontario. The steel workers wish to support emphatically the statement that such legislation is necessary. It is not profitable to discuss whether it is a majority or minority of employers who resist collective bargaining, nor to consider how large such majority or minority may happen to be. The Minister has himself made perfectly clear that since the outbreak of this war there have been a large number of disputes in which the cause of the dispute was the denial of the right to collective bargaining. Mr. Heenan has emphasized that it is not only a matter of disputes but of the unrest in plants and industries that leads up to disputes. Mr. Heenan, at page 11 of his evidence, pointed out that the disputes in which union recognition was involved were of particular importance."

Might I stop here to say that the Steel Workers to-day have two or three boards of conciliation pending in which the whole issue is recognition and in which the employers are saying "We will not recognize you even though you may represent a majority of our employees. We want to say what type of organization shall represent you." That is occurring to-day, and, as Mr. Heenan pointed out, you cannot get a board of conciliation without a strike vote, and you cannot get it without a long delay and all the disturbance and trouble which comes through long, drawn-out proceedings in this regard. Therefore, we can say from cases with which we are actually in contact to-day at this moment that this legislation is needed.

"At page 27 Mr. Heenan states definitely that if there had been provincial legislation in the form of a collective bargaining Act, quicker action would have been taken in the settlement of disputes and stoppages of work and strikes would have been prevented. He is not saying that they might have been; he is saying that they would have been prevented."

If we were simply to say that the Minister of Labour of this Province tells us there have been a number of stoppages and disturbances during this war which could have been prevented by collective bargaining legislation I think we have established the need for it beyond any question.

"All the other evidence before this Committee amply substantiates this fact, so that it is apparent that compulsory collective bargaining legislation is long overdue."

and, that is what we believe.

"If there is not compulsory legislation, the only method by which the employees can seek recognition and collective bargaining from unwilling employers is by the weapon of strike, which they are naturally reluctant to employ unless as an ultimate step, particularly in wartime. The absence of compulsory legislation, therefore, leads either to strikes or to smoldering resentments which militate against production."

and have, as a matter of fact, just as bad an effect on production as actual strikes. It is often the resentment that underlies these disputes which causes trouble, so even if the workers do not strike it does not deal with the problem.

"If there is no compulsory collective bargaining legislation, either the employees have to go on without the benefits that collective bargaining would bring, or else they have to enforce what they believe to be their just rights by strike action or other form of economic pressure. The imperative need for collective bargaining legislation is to remove the friction and disturbance that would result from employees seeking to compel employers to concede their democratic right by cessation or curtailment of work.

If the need for compulsory collective bargaining legislation is conceded, and all the evidence before the Committee indicates its vital necessity at the present time, the important question arises as to the form that legislation must take to make it effective. The compulsory feature of the legislation should require employers to enter into negotiations and conduct negotiations



in good faith with employees, but it is not required that they should be compelled to agree upon any particular point. If, however, the negotiations result in agreement, the legislation should require the employer to embody the points agreed on in a written agreement entered into with the bargaining agency. Much trouble is caused by employers refusing to enter into written agreements with the bargaining agencies chosen by the employees, with the result that there is lack of confidence and uncertainty and the probability of further trouble."

because the employees in the union feel when they have not a definite agreement and recognition there may be some further attempt at whittling away of the rights they have secured. That feature about putting it in a written agreement is of the utmost importance, so neither we nor any other representative of labour, as far as I know, is urging that the agreement itself be made compulsory. It is merely a negotiation and after the agreement is reached then it should be put in writing.

MR. OLIVER: Q. Is the agreement compulsory in any other legislation of which you are aware?

A. No. Not directly compulsory, at any rate; there are various conciliation provisions.

"There is a very grave danger in all legislation that the method of enforcement does not receive sufficient consideration and the declaration of principle contained in the law remains an idle gesture because there is no adequate means of enforcement.

In a matter as complex as that of collective bargaining legislation, the actual wording of phrases and the precise form of the legislation is of great importance, as the whole intent of the legislation may be vitiated by the employment of phraseology or enforcement machinery which is not adequate. For this reason it is unfortunate that the Committee has not got before it in draft form at least the terms of legislation in which the Government and the Minister of Labour would embody the promise of effective collective bargaining legislation. The United Steel Workers wish to emphasize this point particularly, because they believe it to be the crux of the problem which the Committee must face. They believe that the Committee will have no difficulty in arriving at the conclusion as to the necessity of collective bargaining legislation. But it is not enough that there be a collective bargaining Act. It must be a fully enforceable collective bargaining Act. There is a very real danger that if the problem of enforcement is overlooked, the legislation will prove abortive and useless.

There are many illustrations of the creation of laws and the failure to apply an adequate sanction and it is to this particular point that the union which I represent wishes to direct the attention of the Committee. It is possible to make a declaration in favour of the principle of collective bargaining and to provide no method of enforcement other than that of public opinion to support the declaration of principle. The inadequacy of this is apparent from the fact that the Dominion Government by P.C. 2685, referred to by the Minister, has already declared that the principle that em-

ployees should be free to negotiate with employers through the officers of their trade union or through other representatives chosen by them, should regulate labour conditions during the war. This Order-in-Council was passed on June 20, 1940, but the Minister pointed out in his evidence that the lack of adequate enforcement made the declaration of principle entirely ineffectual in dealing with the problem.

Another method of enforcement is suggested by the Nova Scotia Trade Union Act and other provincial Acts, which Mr. Finkelman will no doubt have supplied to the Committee in his memorandum."

I understand he is going to do that.

"This method of enforcement consists in imposing penalties collectible in the courts for the failure of employers to recognize the representatives chosen by the employees and to bargain collectively with them. In the view of those whom I represent, this legislation is entirely inadequate to give real force to the principle involved. It means that the courts of law are required to determine nice points of industrial relationship, such as, what is the proper collective bargaining unit, what groups of people do in fact represent employees, or whether they have been properly elected or elected under some form of coercion, and innumerable other matters which only those experienced in industrial relations can deal with. Furthermore, enforcement through the courts requires the aggrieved individuals to lose time and be put to expense, and this difficulty is aggravated by the probability of expensive appeals. Any employee who lays a charge may be subject to discrimination and will find himself in the courts as a complainant in an atmosphere that is entirely unfamiliar to him and dealing with people who may have very little experience or comprehension of his particular problem."

THE CHAIRMAN: That is what most people find when they go to court.

THE WITNESS: Yes. I was going to deal with that as a lawyer, myself, and say it is a very real problem for an industrial worker to suggest he should enforce his rights through being a complainant in the courts. Most people, particularly those in that group, feel they want to stay out of the courts if they can.

MR. GARDHOUSE: Q. Are you advocating that people stay out of the courts?

A. Yes, I certainly am. It is a good place to stay out of, if you can.

THE CHAIRMAN: Have you set out later your suggestions of how the enforcement should be met?

A. Yes.

Q. I hope it is not along the lines of the Liquor Control Act in which you put all the onus on the accused.

A. Oh, no. I would not do that.

"An illustration of the unsatisfactory nature of the enforcement of

penal provisions in the courts as protection to labour is afforded by the Dominion Statute to which Mr. Finkelman referred. By an amendment made to the Criminal Code in 1939, it was made an offence for an employer wrongfully and without lawful authority to discriminate against an employee solely on the ground that he is a member of a trade union. Workers generally and those familiar with the problems of labour, for example the Minister of Labour, would admit that there have been hundreds, if not thousands, of cases where employees complained that they had been discriminated against by reason of trade union activity."

That is no exaggeration. Whether they were right or wrong, there have been literally thousands of complaints about discrimination.

"Nevertheless there has only been a handful of prosecutions across Canada and one or two convictions. The same consequences are likely to follow if the only method of enforcement of the principle of collective bargaining is to be the imposition of a penalty upon an offending employer enforceable through the courts of law.

What then is the machinery which is necessary to make a declaration that employers shall bargain collectively with their employees effective? The answer is that it must be through the extension of administrative law. The whole field of industrial relations is one of such complexity and difficulty that it falls within the realm of those matters that are suitable for administration by experts. The general supervision of the courts may still be necessary, but the machinery required to ensure collective bargaining can only be administered by those whose experience qualifies them to devote exclusive attention to this subject."

Might I say there, Mr. Chairman, that this whole question of the relationship between the courts and administrative law is a very interesting one and that you have in Mr. Finkelman one who is as great an expert on administrative law as you would find.

It has been found necessary under the complex developments of our industrial civilization to take certain matters which are particularly difficult and put them under the jurisdiction of administrative tribunals or administrative law, because the courts well qualified to deal with the broad general principles of justice are not qualified experts to deal with this type of matter in which they might spend a long time enquiring into the various problems some of which this Committee have seen examples of, difficult questions which involve a great deal of experience and judgment about this particular problem.

Q. You would agree that there has been violent opposition to law by Order-in-Council and by bureaucrats, and so on,—

A. We have one hundred and one other examples of where that has been found absolutely essential if complicated matters are to be regulated and dealt with.

Q. All right.



A. Dealing further with my brief:

"There are several matters that have to be determined if collective bargaining legislation is to be effective. One of the first is, what is the proper collective bargaining unit. This is sometimes in cases of controversy a difficult subject, which one not expert or experienced in labour relation cannot determine."

It involves questions of crafts. There are all sorts of difficult problems which relate to that subject and no ordinary court could begin to take the time to go into them.

"The second is, who are the representatives of the majority of the persons within the collective bargaining unit, whatever it may be. This question is sometimes easy to determine because it is admitted by all, but when it is in controversy it may involve the taking of a vote and careful administration to see that the vote is taken fairly and without the many different forms of indirect pressure that can turn what appears to be a democratic determination of the will of the majority into a false pretence in which genuine freedom of choice is not present."

a very real problem, as those experienced in this matter can tell.

"The representatives of labour have made quite clear that there cannot be genuine collective bargaining between an employer and a 'company union'. The definition of company union given by both the Minister and the representatives of labour is an organization dominated or financed by a company. Any legislation which fails to recognize this fact will not enable genuine collective bargaining to take place. In the United States it was found that after the passing of the N.R.A., which required representatives of labour to be chosen, a vast number of company unions sprang into existence. It was, therefore, necessary, in order to prevent these company unions taking the place of independent bargaining agencies, to pass the National Labour Relations Act which outlawed company unions, not under that name, but under more or less the same definition as that given by the Minister.

The collective bargaining legislation for Ontario must necessarily prevent repetition of history through the setting up by those employers who wish to resist genuine collective bargaining of a large number of company-dominated organizations. It must be made an unfair practice to negotiate with such an organization or attempt to form such an organization. If this provision is not put in the Act, the whole purpose of collective bargaining will be defeated and the Act will be a futile gesture.

It is, however, clear that the ordinary courts of law cannot be qualified to determine whether a particular organization in a plant is, or is not, dominated or financed by a company. This is a task which only those who have had considerable experience can undertake. To divide the sheep from the goats is no easy task and yet it is one which must be accomplished by some administrative tribunal if the Act is to be effective."

I just pause here to say this Committee has had several organizations come before

it, all of which have proclaimed they are not company unions, and some other people may disagree about that. The only way in which to find it out is to have an investigation by somebody who knows the ins and outs of this particular problem. If the courts were to be asked to go into something like that they would be quite at sea. I speak as one who has had a good deal of experience in the courts to know that is a subject matter into which the courts of law can hardly be asked fairly to go. It is too difficult.

Q. You mean it is beyond the intellectual capacity of the judiciary of the province?

A. No, sir. I have the greatest respect for the intellectual capacity of the judiciary of the province. As I practise before them my respect grows, but I would like to say I think they would be the first to acknowledge themselves that in this particular field it is very difficult for them to enter. Take Mr. Justice McTague. That learned gentleman is a good example of one who has gained experience. He has gained experience during this war from being engaged in working on these tribunals. He is the type of person who does become qualified as an expert and who labour would be quite glad to see dealing with these problems, but it is only because he has made a special job of it and has had the chance over a period of years to go into these problems. He can do it.

If we just had it coming up before any police court, before magistrates and county judges, for all of whom I have the greatest respect, nevertheless I say it is a field beyond their ken and is bound to be so. I say that with all the more force, because I am a lawyer, myself, and know it to be a fact. I do not say we should not borrow from the judiciary for this purpose—certainly, but let us pick one who will become a specialist in the subject and not throw it into the arena of the ordinary courts.

“It is sometimes stated that international unions, in seeking the present collective bargaining legislation, are seeking to compel employees to become members of international organizations and to deprive them of the right to join independent unions. We wish to make clear that this is not the objective of the legislation we are seeking. The guiding principle of the legislation should be freedom of choice on the part of the employees; that is to say, that employees in a bargaining unit should have the complete right to choose the international union, the national union, or some independent local union as they see fit. The legislation, however, must be aimed at making sure that this choice is free from the coercion of employers.

There are other practices of discrimination and intimidation that prevent the free expression of the workers' choice. The forms which these may take are very many and not easily understood by those who have not specialized in the subject.”

From my small experience they are very subtle and it takes a little time to get on to them.

“All these considerations point to the necessity of the questions being determined by an administrative board, and the legislation for which labour is unanimously asking the Government will not effect the purpose of pro-

viding for freedom of collective bargaining unless this administrative machinery is set up.

The suggestion has been made that the Minister of Labour or his departmental officials might undertake this task of administration. It is submitted that this is not a task that can be performed by anyone holding a political office."

May I say that nothing here is intended to be a reflection on the present Minister of Labour—very far from it. All I am saying is that whoever he may be, whatever party or organization he may represent, a political officer, a representative of government is not the man to decide whether the organization in such-and-such is a company union, not the man to decide who are the bargaining agency, or the officer whose function is that of conciliation and administration. It would be hopelessly embarrassing to anybody whose responsibility was political to have to make those decisions. We think it is a kindness to the Minister of Labour to suggest he should not have that responsibility. True, he is responsible for bringing in legislation and for seeing that it is working properly, but not for making the decisions which are involved.

Q. Can you tell us where we are going to find this infallible individual?

A. They have been found before. There are many people in this province, employers, fair-minded employers who have had a wealth of experience. There are many experienced trade unionists with good judgment and with good sense, and there are many others.

Q. You mean a composite board?

A. Quite so; a board with say three, or, if it is thought more advisable, five, representing the different elements and representing the community.

May I emphasize the thing would not work unless you got a board of the very highest calibre? If the representative of the employer or of the employee was not judicial and fair and experienced it would not work. We believe there are people of that calibre in this province and they can be found.

"It is a quasi judicial task and it would be highly embarrassing for any Minister of Labour to have to decide whether particular organizations were company unions or not and whether some particular union in a plant was entitled to be treated as a separate collective bargaining agency within such plant. The Minister of Labour is responsible for all sorts of conciliation machinery. It would militate against his performing these functions efficiently if at the same time he were to have to perform the judicial functions that are involved in a collective bargaining Act.

With these problems in mind, the Steel Workers earnestly recommend that the Committee recommend to the Government and the Legislature that the collective bargaining legislation which is to be passed shall provide for the creation of a board properly representative both of employers and employees—"



and, I think I should add, the community. I think perhaps the chairman should be, shall we say, a distinguished judge in this matter. We might have an ex-politician. I do not think an active politician would find this job to his liking, Mr. Chairman.

Q. No, I do not think so.

A. But one who had perhaps got out of that field and who had that experience might be a good man.

MR. NEWLANDS: A senator.

THE WITNESS: I do not think I had better get into a discussion of the Senate. My views might get me into trouble. I would be delighted to discuss that at some other time.

“—which will have the duty of determining what is the proper collective bargaining unit, who are the proper representatives of that unit, whether or not there has been a proper election to determine such representatives, and which shall find out whether or not an employer has been guilty of unfair labour practices which interfered with the right of employees to bargain collectively through representatives of their own choosing.

The Act should provide for the definition of some of these unfair labour practices, but the determination of the facts should be left to an independent board.”

Incidentally, dealing with the question of unfair labour practices, Mr. Mosher dealt with that, so I will not repeat in respect of it. The facts should be determined by an independent board.

“The model for such legislation is the National Labour Relations Act of the United States Congress. There may be some criticism made of the application of this Act, and indeed the procedure therein set out has involved in some cases long delays before the final determination of the issues involved. We believe, however, that an administrative tribunal appointed by the Ontario Government of properly qualified experts could in a smaller industrial unit such as Ontario, deal expeditiously and adequately with the questions that would come up under the Act. It would be necessary to provide that the findings of this administrative tribunal should be enforced, and at this point the enforcement machinery of the courts might properly be called into action. We wish to make it clear, however, that the determination of facts must be left to the administrative tribunal and that the power of review by the courts should be restricted to determining whether there has been a fair hearing and whether the board is acting within the authority given to it. There should be no avenue for long delays through court procedure.

We do not believe that it is the function of the union which we represent to suggest precisely what form such legislation should take. At the present time, however, the union only wishes to emphasize the profound conviction that the whole purpose of the collective bargaining Act will be frustrated if

this question of enforcement is not squarely faced by the Committee and by the Legislature. We urge that the National Labour Relations Act of the United States be taken as the general model for such legislation as may be drafted. Improvements may naturally be made in the NLRA, but the jurisprudence and experience which have grown up around it would be of inestimable value in the efficient administration of any Act. Employers may have some criticism to make in regard to the Act. Employees also will have some detail of criticism in regard to it and its administration in the United States. But the fact remains that it is the only legislation which has enabled the peaceful development of trade unionism in a short space of time and on a very large scale.

Mr. Conroy has spoken of the bloody battles and lives lost in obtaining trade union rights by the United Mine Workers. The Steel Workers could also give eloquent evidence in this regard. Mr. Finkelman and other have told of the long and painful struggle in Great Britain to secure the rights of trade unions and the general acceptance of collective bargaining which has proved such a tremendous asset to Great Britain in its present struggle for existence. This Committee and the Government of Ontario are now being asked to bypass this era of fruitless and bitter struggle by enacting effective legislation."

May I say there in regard to the situation in Great Britain that I do not want to go into a long, historical account of it, but the way in which trade unions received their present status there was through fights and battles and through a century of very difficult, trying times in which lives were lost. What we feel is if legislation could prevent that, could achieve the good results which have been achieved in Great Britain through having responsible trade unions, which are admitted to be the backbone of Britain's resistance in this war, by legislation which will get over some of the reluctance in the initial stage and avoid these things, then we think this Committee and the legislation will be something of a tremendous value. We do not agree with the brief of the Canadian Manufacturers' Association which suggests we should adopt the British experience, because the British experience while the present situation is entirely satisfactory is an experience we do not want to concentrate into the time of war and into the difficulties which we now have.

The result? Certainly, we want to arrive at the British result, but we do not want to have a century of struggle to arrive at it.

"There have been a great many promises of a collective bargaining Act for Ontario and we believe that it is the wish of the people of Ontario, which this Committee will recognize, that such a collective bargaining Act be passed. We also believe it to be of the utmost importance that the form of the Act be not such as to make the actual enforcement impossible. The confidence of the people of Ontario, and particularly the industrial workers, in the good faith of legislatures generally will be seriously jeopardized if it is discovered that the semblance of collective bargaining is given without the reality, and that will be the case if no adequate means of enforcement are provided. We very earnestly recommend to the Committee that they give attention to this point which we believe to be crucial. The industrial workers have had their hopes raised and they are not so naive as to be

unable to distinguish a genuine, effective collective bargaining Act from a gesture. The representations of those who do not wish to see the extension of genuine collective bargaining, and it would be foolish to deny their existence or influence, may well be directed not at the principle of legislation to enforce collective bargaining, but at robbing the machinery of real effect and at ensuring that the enforcement machinery set up in the act is inadequate. The League of Nations was a great ideal. It was set up for the purpose of establishing the rule of law in international relations. As a system it was perfectly sound. The difficulty, however, lay in the fact that there was no will to enforcement or to pay the price of enforcement. We hope that a collective bargaining Bill aimed at creating industrial peace in this province will not fail of its purpose for the same reasons.

We have dealt with what we believe to be the crucial issue. There are, however, other points upon which we would like to be of assistance. It has been or may be suggested that trade unions, if they receive certain advantages, should also be required to submit to certain obligations. We wish to ensure that these obligations, if any are imposed, are not such as will frustrate the whole purpose of collective bargaining.

It is first suggested that the trade unions should be compelled to be incorporated. With the exception of trust companies and similar organizations, no other group of people associated together are compelled to incorporate. Such compulsory incorporation would, therefore, be singling out trade unions for special treatment. The real objection, however, lies in the fact that incorporation is a means whereby trade unions might be tied up indefinitely by litigation in the courts. This is not an idle fear but the result of historical experience. The evidence before the Committee indicated that Great Britain had to face this problem. In the Taff-Vale case referred to by Mr. Finkelman, it was held that trade unions could be sued for damages. This was found to be thoroughly oppressive and the trade unions in Great Britain maintained political agitation until in 1906 the Trade Disputes Act of that year relieved trade unions of liability for tortious actions."

May I say during that period there was a series of damage actions against trade unions, some of which actually reached the House of Lords, a series of cases was carried on and the trade union movement was kept in a perpetual uproar during those years from 1901 to 1906 because of their suability in damages and because that was used to attack the then growing British trade union movement.

"A Liberal Attorney-General in 1906 stated that the suability of trade unions had seriously curtailed their usefulness and efficiency. The result had been to create a feeling of insecurity and injustice. We feel sure that this Committee will not wish to repeat in Ontario the experience in England. Similar experiences in the United States could be cited as a basis for the firm conviction of trade unions that incorporation is merely a weapon to render them impotent and one that should not be imposed upon them.

In regard to registration, different questions arise. If it is made clear that the registration does not render a trade union liable to suit and if the terms and form of registration are not onerous, it might be that no harm



would be done. The Taff-Vale case, however, was a case which held that the effect of registration under the Trade Union Act of that day was the same as incorporation and rendered the unions liable to lawsuits."

That was a case of a registered trade union under the Act of 1871.

"It is therefore suggested that the Committee should recommend that any legislation be carefully considered from the legal point of view so that the pitfall of the Taff Vale case be avoided. As a matter of fact, the union which I represent, and I believe most other unions, do furnish the Department of Labour with names of their officers and a statement of the number of their members. It is obviously helpful for them to do so and, while it is probably quite unnecessary to compel them to do so, no harm would be done."

Quite unnecessary, but we have no objection. We do it, at any rate.

"On the other hand, the imposition of burdensome requirements as to the filing of information might be very harmful, particularly where anti-union employers were engaged in endeavouring to prevent the formation of a union and were anxious to know at an early date those who were members of the union so as to effectively discriminate against them. In regard to the proposed compulsory filing of by-laws, constitutions, and audited financial statements, this is entirely unnecessary. The United Steel Workers would be very glad to give anybody a copy of its constitution and by-laws and I will file one with the Committee."

As a matter of fact, I think I have enough to go around or, at least, some ways toward going around.

Might I just stop at this point and ask the Committee to look into this constitution?

EXHIBIT No. 67: Constitution of International Union, United Steelworkers of America, C.I.O.

It is a democratic constitution of which we are very proud, and which we would like to have anybody read or see. As far as filing it is concerned, there is nothing to it; anybody can walk into our office and get a copy. The more publicity we can give to our constitution the better we will be pleased because we think of it as a very fair, proper document. It sets out in great detail a thoroughly democratic procedure, the membership, meeting each month, the exact amount of the fee being set out, and it also sets out the proceedings of regular elections.

MR. OLIVER: What is the procedure for the election of officers?

A. I think I can find that here. I am looking at page 38:

"Section 8. All local union officers and grievance committee men shall be elected at the last meeting in June of each year by plurality vote of the members present or participating in a referendum vote and shall serve until

their successors are elected and qualified, at which time all money, official records and documents, and all property belonging to the local union shall be turned over to such successors.

The date of local elections for local union officers and grievance committee men must be advertised among the members at least one week previous to the date of the election. Nominations shall be made at the immediately preceding meeting."

and so on. The procedure for the international election is also set out. If I had time I would have liked to have gone into this constitution in order to show you what it is like, but I realize there is not time.

THE CHAIRMAN: Mr. Oliver was simply interested in when the election of officers takes place.

THE WITNESS: You will find very many other things such as the duties of the officers, the fees they have to pay, the requirements as to audits, the whole procedure as to elections, the fact that membership meetings must take place every month, and so on. The whole thing is set out, and we are very glad, indeed, to let anybody see it.

"It indicates that the union is a thoroughly democratic organization in which the rights and obligations of all members are clearly set out. It is also the practice of the Steelworkers and of most other unions to send to their members full audited statements of the finances of the organization and indeed to give publicity to these statements. The International Office of the Steelworkers maintains a staff of auditors who periodically check and audit the accounts of local unions in regard to the receipt of all dues and in regard to all their expenditures. The importance of maintaining proper and accurate accounting of all funds, both local and international, is very clearly recognized and the United Steelworkers of America in their constitution and in their practice, take the greatest of pains to ensure that this is done, so that every member can at any time find out without difficulty the disposition of his union dues."

At this point it is my desire to file with the Committee an audited report of the International Union which, of course, refers to the local unions from May 1st to November 30th, 1942. I am not going to go into this in detail. The audit is by Maine & Company, of Pittsburgh, which company is one of the best and responsible auditor companies in the United States of America.

The Steelworkers have had this published. It has been referred to in the newspapers. In fact, somebody told me on my way up to the Committee meeting to-day that Time newspaper on March 1st had an article dealing with how well run the internal affairs of the Steelworkers were.

MR. OLIVER: Q. There will be no objection to filing that?

A. No. I will be glad to file it and answer any questions on it. It is a long document. We want people to know about these things.

EXHIBIT No. 68: Audit Report dated May 1st to November 30th, 1942.

Q. I meant was there any objection on the part of your organization to filing your financial return with the Department of Labour?

A. Well, I go on in the next paragraph of the brief and deal with that, Mr. Oliver:

"It is one thing, however, to say that this is the practice of the unions and another thing to say that there should be some compulsion in this regard. No evidence has been presented, or is it likely to be presented, that there is any need for such legislation. It is submitted that the Committee would be making a mistake in enforcing obligations which the members of a democratic organization can quite adequately look after for themselves. It might even be harmful to have audited accounts filed with a government official, for it is unlikely that the government department would be in a position to make any effective check of these accounts and the fact that the accounts were filed in this way might tend to create false confidence and to decrease the vigilance and interest of individual members, which is the only real protection of any voluntary organization."

I think something has been said about them.

"Most insistence on the rights of individual employees by solicitous employers is a conscious or unconscious sham. There is no such thing as equal bargaining between organized management and individual workers. The only feasible bargaining is between management and unions. By encouraging individual workers to bargain directly with management you undermine the union and invite trouble. Under collective bargaining the individual worker gives up his impotent freedom to bargain individually for the effective freedom of bargaining through a group, so that the Committee should disregard arguments based upon this theoretical and unreal freedom in favour of the real freedom of collective action."

We feel that is a very basic philosophy of the union movement which lies behind this legislation. Often the right of the individual is brought in as an excuse or reason why you should not deal with the representative of the majority. It is said "We cannot deal with you, because what about our unrepresented minority?" Their freedom is being taken away. We say they have no real freedom, that there is no effective freedom for an individual *vis-a-vis*, a large company in which most of our people are employed now by our organization, and that the only effective freedom you can give to the workers is to enable them to be represented by the particular organization they choose. That paragraph, therefore, is included in the brief to explain what we feel about that matter, because it is frequently brought up. But, of course, we do say we do insist that it is the choice of the majority which should prevail, that if the majority does not happen to choose the unions we think are the right and best ones for them that is their concern. We are not interested in forcing anybody to accept anything which the majority of the people in their group do not think is the best thing for them.

"It is sometimes suggested that unions should be forbidden to use intimidation or other unfair practices with penalties for infraction. In this



regard it may be remarked that the criminal law already provides a more than adequate means of preventing such intimidation. It is a regrettable fact but true that strikes do sometimes lead to acts of violence on one side or the other. When such acts occur, the criminal law is fully adequate to deal with infractions and it is, as a matter of fact, well known that in some industrial disputes arrests for assault or other intimidation do take place. The Committee, therefore, need not worry about this question."

I am not quite sure whether they would have legislative jurisdiction to do that when it is a matter for criminal procedure or of criminal law. However, Mr. Finkelman may think differently about that. I doubt very much if Ontario legislation could deal with that type of thing which is, in itself, a criminal offence.

"If there are any facts in regard to the United Steelworkers of America or in regard to the matters which are discussed in this brief which the Committee would like to explore, I would be very glad to produce such evidence. In the meantime, however, and particularly in the light of the full presentation of the case by Mr. Mosher and Mr. Conroy, we thought it better to put our submissions in the form of a brief and leave it to the Committee to call any of the members of the union as witnesses, if they desire further information."

Mr. Chairman, our reason for putting it in a brief like this is that we felt if we were to call witnesses it would inevitably lead to prolonged discussion, and we do not want to unnecessarily take up the time of this Committee. On the other hand, we want to make it perfectly clear that our organization is ready to answer any questions and submit to any sort of examination, because we have nothing to hide and nothing we are ashamed of.

I just conclude my remarks by saying this brief is put forward by the Steel Workers in all sincerity and earnestness because they believe that this collective bargaining legislation is of tremendous importance. But the main emphasis we have made, and we want to keep before the Committee, is that they wrestle with this problem of enforcement. As we say, we do not think penalties are enough. We think, short of an administrative tribunal of properly qualified people, you cannot grapple with the things we have discussed here before this Committee. I think we all—those of us who are lawyers particularly—have had the experience of seeing something on the statute books, and finding out when we went to do something about it that the machinery was out of our grasp or was inadequate. That will be the effect, we feel, unless we have an administrative tribunal that can inquire into all these matters. It needs the very best type of mind, admittedly, but we believe those people can be found, and that the crux of your problem is to recommend that type of legislation. Because we do not want to see legislation which is in favour of the principles we believe in, and then find it causing disappointment and trouble later on because it is out of reach of the workers throughout this province, who cannot be running to police courts all the time.

MR. OLIVER: It is conceivable there would have to be amendments from time to time of any Act?

A. Of course there would. But we are here to help the Committee, as we

feel, get off on the right foot, and not have to amend the legislation too much—minor amendments, yes. But we think this particular type of machinery is the only type that will work.

Mr. Chairman, I would be glad to answer any further questions myself.

MR. FURLONG: I would like to ask you a couple of questions. What would you advocate should be done with the bargaining agent who violates an agreement?

A. My feeling is that a bargaining agent who violates an agreement would be in a very poor position to come before this administrative tribunal and ask for any benefit.

Q. I am asking you what you would advocate should be done?

A. I do not advocate that there be any means of penalizing employer or employee for not sticking to the collective bargaining agreement. I would agree with what Mr. Mosher said, that that is best left as a matter of good faith and not enforceable in the courts. But I do think it should be enforced by the penalty that an organization that breaks its agreement should not be in good standing when it comes to ask for some benefit under the Act, and I further believe that people who break their agreements are punished from the very fact that they break them, whether they be employers or employees. The lack of confidence that results is punishment in itself. I do not believe it would be advisable or wise to try to impose any penalty for failing to carry out an agreement. After all, in the ordinary course you do not have a penalty for failing to carry out an agreement.

MR. HAGEY: You mean against either party?

A. Against either party. I would not want to see an employer penalized for not carrying out an agreement. It might be that would put him in rather bad standing.

MR. FURLONG: Q. Are you agreeable to the majority vote to determine the bargaining agent?

A. Absolutely—not only agree with it, we think it is essential.

Q. What percentage of vote should change the bargaining agent?

A. I don't think you can be constantly going back to have a new bargaining agent, but I think that is a matter for administration. Suppose you elect a bargaining agent and an agreement is signed for a year, and there is strong representation that they no longer represent the employees—

Q. Do you think it should be the same majority?

A. Quite so, yes. I think it should always be a majority, but I do not think you should be constantly taking votes. I do not believe if we pass this Act there will be any need to worry about constantly changing majorities. Once

you get into the realm of collective bargaining you do not have the trouble you have getting started.

Q. Where you have different unions one may be in to-day, and another union may try to organize the same employees?

A. I think I can speak for my own union to say that if under the procedure of an Act like this it was decided that some other union was the proper bargaining agency, we would retire from the field.

Q. That is not being done in Wallaceburg to-day?

A. No. I do not mean that would apply to every particular or possible situation. I mean unions are not going to fight each other. If there are two unions and one gets a majority, then the others should step out for the time being.

Q. In any event, you are satisfied that the majority should determine that, whichever way it goes?

A. Quite so.

Q. I would like to ask you about the composition of the court or committee, as you may wish to call it, whether it should be one man, three men or five men, and who do you think should appoint the one man, if it is one?

A. I am inclined to think myself that the Government should take the responsibility of appointing them all.

Q. Let us first deal with the one, if it were one.

A. I don't think it should be one. I think it is too much to put on any one man.

Q. What is the minimum number?

A. I think three should be the minimum.

Q. How do you think they should be composed?

A. I think the Government must take the responsibility of making such appointments, and if I were the Government I would see that one at least was an experienced trade unionist who had been through these things and knew what it was about; the second man, I would like to see, say, an employer with a reputation for fairness and understanding of these matters; and thirdly, I would like to see some distinguished person who had not been very much involved, perhaps a professor like Professor Finkelman here.

Q. With regard to the one who represents the trade unions, how could you choose one that would satisfy them all?

A. That I think is a good argument for having a board of five. There are two main groups of unions in this province and the rest, with all due respect to



them, are just on the fringe. The two main unions are the Canadian Congress of Labour, and the Trades and Labour Congress. I think there might be a lot to be said for a board of five.

Q. So both of these main unions should be represented and both satisfied that the decisions were going to be fair?

A. As between the two different principles—the principles of industrial and craft unions.

Q. Do you not think a board of five would be cumbersome?

A. I don't think you get anything perfect in this world, but I think a board of five would not be too cumbersome, no. If it were not for some of the difficulties I would prefer a board of three myself, but I think five probably is a better number.

Q. You say in paragraph 19:

"The legislation, however, must be aimed at making sure that this choice is free from the coercion of employers."

We had one association here to-day that advocated the choice should be free from the coercion of employees, employers, agitators, unions and everything else. What do you think of that?

A. I don't believe it is necessary to provide that. I think the reason you have to provide that it is free from the coercion of employers is because they occupy a dominant position. I don't think it is necessary to provide that it be free from the coercion of your own members. If that coercion is unlawful or involves threats, then it is a criminal offence.

Q. This association pointed out that certain agitators were going into certain towns, renting expensive offices and using unfair practices to force people to join a particular union. Do you think that type of thing is fair?

A. I don't accept that that happened.

Q. I am not saying whether you accept it or not. If it were true, do you think it is fair?

A. I think it is perfectly fair for an international organizer to persuade anybody of anything, as long as he does not use illegal methods, perfectly fair. I have the right to persuade somebody to do anything I like.

THE CHAIRMAN: In fairness I did not understand the witness to say these chaps, the organizers occupying expensive offices, were using any unfair methods. I understood him to say they were high class salesmen.

MR. FURLONG: He said they brought in a lot of money and used it, or attempted to use it to obtain members.

THE CHAIRMAN: I did not understand him to use the word "unfair". He said they were in there trying to sell the merits of the international union.

WITNESS: We are trying to sell—I am referring to the union I represent; I am not personally in that business at all—but we naturally believe the organization we have is most beneficial, and we would be lacking in a sense of duty if we did not try to tell people that.

THE CHAIRMAN: I can see your point. As long as they do not do something illegal in attempting to expound the merits of the international union, they should not be prohibited, any more than an employer should be prohibited from carrying on propaganda to point out probably that a shop union is preferable to an international union?

WITNESS: Certainly. We do not claim any right to coerce people by improper methods. We do claim the right to explain that our union is the most effective union, the one that will get them the greatest benefits. That is what we believe; we may be wrong. We believe employees can choose themselves whether our idea is right. We believe because industry is organized on an international scale, so unions will be more effective if they are organized on an international scale.

MR. FURLONG: Q. You do not think there could be any coercion from that particular direction?

A. I take that with a grain of salt, and this talk about huge union offices, and vast expenditure of sums, I have not seen any of those myself.

THE CHAIRMAN: You are just a lawyer.

WITNESS: I have been in union offices.

MR. FURLONG: We have one brief filed here which says more money came into Canada than went out. I do not know what else they brought it in for.

WITNESS: If you analyze our financial statement you will find the balance is about even.

MR. FURLONG: Q. At any rate, you say it must be free from coercion of employers and no other coercion?

A. I don't say there should be coercion by anybody else. I say there is no need for legislation to prevent coercion by anybody else.

Q. If it is going to be free, I do not know why it should not be free from all kinds of coercion.

A. Our idea is to deal with the coercion that results out of the dominant position of the employer. As far as outsiders are concerned, coming in, we do not think they have any dominant position. If they use improper methods we think they will bring their own retribution. If they use illegal methods they can be prosecuted in the courts. Certainly, there is no need for this Committee to devise legislation to deal with the problem in our view.

MR. AYLESWORTH: Could I ask a question?

THE CHAIRMAN: Certainly.

MR. AYLESWORTH: Q. Mr. Brewin, what is the position of your clients with respect to this aspect of your brief: do you think it essential or proper that an employer, so long as he makes it abundantly clear that the choice is free and by secret ballot, should have the right to point out to his employees the questions they should consider before making their choice, and perhaps indicate some of what he thinks are relevant facts concerning this or the other bargaining agency?

A. I think, Mr. Aylesworth, that is a question that is impossible to answer, because I think there would be danger that representations, coming in certain forms from employers, would amount to domination, would amount to coercion because, as I said, the employer is in a position by reason of his position where his statement that something will be done—for instance, his statement that certain benefits will be taken away if his employees accept a particular collective bargaining agency, might amount to coercion or intimidation.

THE CHAIRMAN: That would be a threat. I do not think that is Mr. Aylesworth's question.

MR. AYLESWORTH: Q. Assuming it is not even a threat—assuming there was the statement that it was the intention of the employer, if a certain bargaining agency secured the bargaining right, not to do this or that on behalf of the employees; in your view that is in a category to be prohibited, while it is not to be prohibited with respect to a trade union selling itself as an agency and representing that it will secure higher wages or other benefits?

A. I have already explained my position on that, and that is that the employer is in a particular position that makes even what sounds like the most innocent words from him appear, by reason of the relationship, as a form of domination. I think that must be dealt with by the Act and prohibited. I do not think the outsiders are in the same position because they are not in that dominant position, and I personally cannot think of many forms of representation by an employer as to what agency an employee should select which would not amount to improper pressure. I think it is the employees' duty and sole obligation to pick their own bargaining agency, and I would be sorry to see any employer taking any part in influencing that. I do not think you get that equality of bargaining relationship if the employer is so unwise as to step in and indicate his view as to what should be done.

Q. Perhaps I did not make myself clear. Let us assume that a labour organization which has, in the employer's view, committed many acts of breach of faith in connection with its collective bargaining relationships seeks to secure the bargaining agency rights with that employer as representing that employer's employees; on that state of facts do you think that the Legislature should prohibit an employer, make it an offence for an employer, impartially and properly, to point out to his employees that when they freely make their choice he suggests that they bear such facts in mind as he thinks it proper to bring to their attention?



A. I think those whom I represent feel that any such representations endanger freedom of collective choice because of the position they are in.

Q. Is it the view of those you represent that, if legislation is brought down on this subject, the employer should be positively prohibited from freedom of speech, freedom of expression altogether, with respect to any part of that subject matter?

A. I don't think that at all. I think, however, that the employer should be prohibited from interfering with or dominating the agency choosing by his employees.

Q. That is a different matter altogether.

A. I am sorry. Freedom of speech is a very general term, and I think there are some cases in which speech can be used as an instrument of coercion, and I want to see that avoided.

MR. MURRAY: You would not object to the employer associating with his men?

A. No, indeed.

THE CHAIRMAN: That is what he wants.

WITNESS: That is what we want, but in the question of bargaining about wages, and hours we want collective bargaining, and we believe this will lead to all sorts of friendly associations.

MR. MURRAY: I sometimes think, after hearing you people talk, that the only time an employer should associate with his men would be when they were making a bargain about money or wages.

WITNESS: No, not in the least. We believe that out of collective bargaining will grow a great many friendly relations between employers and employees, a very happy partnership. What we are anxious to establish is the basis for such a partnership.

MR. MURRAY: Another question that was in my mind: when you were speaking about the courts, you seemed to have very little faith in courts. I understand we in the Legislative Assembly here are making laws for the courts to interpret—true, with the assistance of the lawyers—but a judge should be able to interpret the law applicable to any case, and decide in a fair and efficient manner.

WITNESS: May I answer that by saying I yield to no member of this Committee in respect for the courts. I practise before the courts and I have the highest respect for them. That does not blind my eyes to the fact that there are certain subjects, such as the Municipal Board deals with, certain subjects such as the Railway Commission is dealing with, certain technical problems, that are not suited to be reviewed and investigated by the courts. There are 101 other fields in which that has been found, and this Legislature as well as other legisla-

tures sets up such administrative tribunals. I am not casting any reflection on the courts when I say this particular subject should be one dealt with by an administrative tribunal, not because the courts are not efficient and fair, but because they have not the detailed experience and knowledge to devote to this particular field that requires an expert. The Workmen's Compensation Board is another good illustration of the fact, and it is pronounced to be one of the greatest social legislations that have ever been put through by this Legislature. It took something out of the courts into the field of administration. Why? Because the courts were too expensive, too slow for people who were injured in industrial accidents, and there were a great many abuses. It is no disrespect to the courts to say the Workmen's Compensation Act was a forward step. I want to clear up any misapprehension that may be in your minds as to casting any reflection upon the courts. Indeed, my suggestion is that they should have a limited power of review. If I might add one reference to that: the Workmen's Compensation Board was set up after a Commission over which one of the Chief Justices of Ontario presided and suggested it should be taken out of the courts.

THE CHAIRMAN: And it was very bitterly opposed.

WITNESS: It was very bitterly opposed, and there are some lawyers who will oppose this extension of administrative law, but I think they would be wrong.

MR. HABEL: Do you think there is such a thing as lawyers being wrong?

A. Lawyers are frequently wrong, particularly when they decide against one's client.

THE CHAIRMAN: The courts are wrong then.

MR. HAGEY: In Sections 30 and 31 of your brief you deal with the question of providing the members of your union with an audited financial statement. You rather skate around the problem there, but what is your objection to compulsory regulation in this Act in regard to providing the members of your union with an audited financial statement? You say your union does it, but may I remind you of the situation in the United States in the case of the United Mine Workers, where we found the members of a union going on strike against their own union. That situation could possibly be prevented, could it not, by providing the members of the union with a proper picture of their finances?

A. All I can say is that Mr. Mosher, who has had tremendous experience, and also the members of the Trades and Labour Congress stated that they did have these audited financial statements in their meetings. I don't believe in meeting an evil till you come to it. I believe it tends to detract from responsibility. The filing of hundreds of returns in government offices—

Q. I do not mean filing them in government offices. I mean providing them for each member of your union, and making it compulsory.

A. I believe there is a point at which it is best to leave organizations to be virtuous in themselves and rely on their own virtue.

Q. You could not treat society in general that way, or you would not legislate against murder.

A. Where have we any suggestion that any trade union in this province is in a similar position?

Q. Not at all.

A. Then let us deal with that evil when we find it, and let us not impose obligations that, in the point of view of the trade unions, might be used as a weapon of oppression against them.

MR. AYLESWORTH: Q. But, Mr. Brewin, that evil, which to a greater or less extent does exist in the United States—was it not accentuated as a by-product, as it were, of the impetus to organization which the United States modern laws of collective bargaining gave to organization of labour?

A. I do not believe it was. Now it comes to mind the case you mention, and the only case, a case in which the union members thought they were paying too high a rate. No amount of publicity would have changed that. Any one of them could have walked no doubt into the mine workers' office and got a statement. Their fees were two dollars a month, or whatever they happened to be. It would not have helped them to know that fact. I believe, as a matter of fact, that the growth of the unions in the United States has been responsible for their producing audited statements like we have here rather than the reverse. I believe when they get a definite status in society the tendency will be towards more rather than less responsibility. I think that has been found in the United States.

MR. HAGEY: In fairness, the Legislature in bringing down legislation would have to protect the employee against abuses as well as protect the union against the abuses of the employer.

WITNESS: If you could show me those abuses exist I would agree with you. There are hundreds of other voluntary organizations. We all belong to clubs. Some of us may belong to the Canadian Manufacturers' Association. We do not ask for statements of their accounts. There are hundreds of voluntary organizations of that kind. For all I know, there may be the odd treasurer here or there who steals the money of his organization. If so, they can be brought before the courts. I know of absolutely no reason why trade unions should be singled out for special treatment, because I have never heard of a case in this country where any trade union has failed to present a statement of its accounts. Has there been any complaint from employees or members of trade unions in regard to that?

MR. HAGEY: I have not heard from trade unions, but I have heard from individual employees that they would like to see that.

WITNESS: In our union we tell them about that, and if the employee wants to see it, he can always see it. It would be foolish for us to hide those things.

THE CHAIRMAN: I wonder if you could give me the views of your clients on something that interests me. In looking over the Canadian Manufacturers' brief, I see there are, roughly in round figures, ten thousand members of the Canadian Manufacturers' Association, and over 8,000 of those members employ



less than fifty men; 4,500 employ less than five men. Do you think any collective bargaining legislation should cover an industry employing less than fifty men, say?

A. Yes, Mr. Chairman, we do not believe there should be exceptions.

Q. How large or small a number do you think this should apply to? Do you think it should apply to a little industry, a man with four or five employees?

A. I cannot speak for the Steel Workers because I have not consulted them about that, but I think they believe the principle should be universal.

MR. A. C. THOMPSON (Canadian Manufacturers' Association): Mr. Chairman, to correct the record on that, the ten thousand were establishments in Ontario; they were not members of our Association. It just gave the pattern of the size of establishments as of 1940. We have not any such members, because about half of these were people employing less than five—machine shops and the like that were established within Ontario.

THE CHAIRMAN: Whether they belong to the Canadian Manufacturers' Association or not, I was wondering whether it would apply to a little organization employing 25 men, or less than 25 men.

WITNESS: My clients I think feel it should be universal, that it is dangerous to make exceptions. You get complaints from the people who are left out. Therefore, I do not think there should be exceptions.

Mr. McClure of Hamilton is here. He had one point he wanted to make.

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SUBMISSION OF LOCAL UNION No. 1005  
UNITED STEEL WORKERS OF AMERICA

THOMAS WILLIAM MCCLURE, sworn.

WITNESS: I have a brief here, Mr. Chairman, but it was prepared by our Local and deals very much with the case in point. Mr. Brewin has covered the thing very fully from all angles and he has suggested that I make just a few remarks on the local situation in Hamilton, and the Local with which I am personally concerned, believing that such explanation as I may give may influence the Committee favourably towards his representations.

MR. FURLONG: What is your union again?

A. Local 1005 of the United Steel Workers of America. I will file this brief, Mr. Chairman, and if necessary quote from it.

EXHIBIT No. 69: Brief of Local Union No. 1005, United Steel Workers of America.

If you do not mind my going into a little history, the firm by which I am

employed is The Steel Company of Canada. I work at the Hamilton Works. It is the largest producer of steel in Canada. It may be the largest in the British Empire. The only other one I know of is the works in India, the Tatta works.

There has been considerable organization at this plant, and we want collective bargaining. So far we have not been able to get it. Some time ago, five or six years ago—I am not very good on dates, but it does not matter a great deal—after a strike by the men in the sheet mill, hot mill, they had a grievance. We organized independently at that time. They previously had been organized in the Amalgamated Association of Iron, Steel and Tin Workers. I am one of them, and most of them—I do not think they will mind my saying this—are hard-working, and sometimes very generous with their money. The depression came along and the union wanted their dues. That is quite all right, they should have their dues. We got to the point where, after a long period of little work, we were forced to let the charter go. We did not have enough members there. We were without an organization. At that time the company had been paying the Amalgamated scale (the union scale). They had no contract with the union but had observed the union scale. We organized independently and contacted the management on collective bargaining. We were just a committee of the employees, as I understood it, and over a period of a year there we went back and forth, and the result was a deadlock, and we ceased work for a while. Almost immediately after that the company brought in this employee representation plan, and there was a vote taken of the employees, and it was decided by a small majority of the entire plant—not this one department, which did not comprise perhaps 6 per cent of the total working force. It passed by a small majority, and the department in which I am employed at that time did decide to go along with the employee representation plan, still maintaining their independent union, of course, and electing from their department a man who had been chosen at the union meeting. This organization afterwards affiliated with the Steel Workers Organizing Committee, now the United Steel Workers of America, and attempts were made at organization with fair success at one time, but we were not able to put the thing across. That is probably a simple way of saying it. Latterly, within the last year or so, organization has grown very markedly, and the committee from the union went down to see the management and succeeded in seeing him as a union committee. I was a member of the committee, and we asked for recognition of the union. The Manager said he would give the company's attitude on the question at the council meeting which took place on Wednesday. This was on Monday afternoon. As well as being the President of the Union, I am the Chairman of the Works Council; that is, of the elected representatives. At this meeting on Wednesday the company in effect said "No." They said it in rather lengthy fashion, but the answer was "No", that was what they meant.

I think I should go into a short explanation of this employee representation plan.

THE CHAIRMAN: You mean the Manager, whoever it was, on Wednesday said the company did not care to talk about a conference?

A. Yes. They thought the employee representation plan was a better method of doing things. We differed with them. There are eleven voting divisions in the plant, from which eleven men are elected to represent the men;

and then there are eleven appointed representatives, appointed by the management, and this council meets once every month (they are elected yearly) and they discuss questions. As I told you before, at one time their union organization was very good. It was not very hard to get wage increases then. But after the union organization fell away things did not go as well. It appeared to us, at any rate, they were more willing to pay wage increases than they were to deal with a union of the workers' choice—that is, what we considered a union of the workers' choice.

The constitution is something like this: if all the elected representatives vote in favour of a question, they have no majority, because the people on the other side vote the other way. This is done when there is anything the management feels strongly about, and it is a tie vote. All that can be done then is, the matter can be taken to the President, and he is the official arbitrator, he is the Privy Council.

THE CHAIRMAN: He cannot be wrong because he has the last word?

A. Yes. He is next to the deity on earth.

That is a rather sketchy idea. I don't think we need go into detail on that.

I must go back to the election held last November. In that election, in eight of the eleven divisions, union members met and selected a nominee for the works council, and these men were endorsed by the union as such. One of the reasons why there were not men from the other three divisions was that, sometimes people, while they feel that to join the union is the correct thing for other people to do, it is not the correct thing from their point of view, for them to place themselves publicly in the light of being a union member and espousing the cause of unionism. They appear to think if they do their relations with the company are in jeopardy. That was one reason. And another reason, that the union men in the other three divisions had not selected a man to represent them, and consequently the union would not endorse anyone who had not been selected. We did not go against them. We put out a handbill and had some pictures, and said, "These are the men who are union endorsed candidates." In all cases they were elected by very good majorities. One I think was 270 to 20. The closest was 30. In that case I helped count the votes, and there were votes that were spoiled, but the intent was fairly clear, which reduced the majority. With that in mind at this council meeting I was telling you about, where the management gave their views on the United Steel Workers of America as a bargaining agency, saying they preferred the employee representation plan, I put forward the following resolution: That the Company be a party with the Union and join in asking for a vote, and agree to abide by the result. The resolution was put and the eleven elected representatives voted for it; the eleven appointed representatives voted against it. Consequently, the matter was a tie.

MR. AYLESWORTH: What did the President do?

A. The matter was then referred to Mr. McMaster, the President of the Company, and in a very length letter he refused. I had sent him a telegram as President of the Union but he refused to deal with me in my dual capacity, as he termed it—sort of a Dr. Jekyll and Mr. Hyde.



THE CHAIRMAN: He might have dealt with you as one individual, but not as two?

A. That is correct. He would not deal with me as the President of the Union, as the representative of Local 1005, and in a very lengthy letter which he sent to me, and sent copies to all employees, the management in the person of Mr. McMaster refused to deal or even to take a vote to decide the bargaining agency.

That is all we want, is a vote, and we agree to abide by the result, and also the company.

There is a serious situation in Hamilton. It is not because of organized labour, because our record is very clear on that. I was thinking of prompting Mr. Brewin when he was giving you the data in this brief. That brief was the highlight of a campaign of "Win the War". We had blotters out and card-holders, "Organize for Victory", which predated this thing. This was the biggest thing that yet had been done by the national office for the organizers. Our record in that is still good, but a situation has arisen which, in my opinion and in the opinion of the local executive, who have used their good judgment, carrying along as they have, should be settled. We want to settle this thing peaceably and amicably. We are doing our duty as we see it. We think we are only asking for ordinary democratic rights—rights that are inherent in our concept of democracy, not only that you should have the right of a vote but democracy in its fuller aspects. It is true, as has been inferred, at any rate, by the representative of the Manufacturers' Association, it will give more power to the unions, but it is not necessarily power for evil. We are all citizens of the country. We have sons, brothers, relatives of all descriptions in this war, and many of us are veterans of the last war. The vice-president of the Local is a First Contingent man. Our Secretary is relinquishing his job to join up. Many of our union members are overseas. We wish we had them now in this department, the hot mill and the warehouse, which ordinarily employs—that is, the hot mill, the warehouse and the galvanizing—around 600. There are 140 in the active service now, many of our best union members.

Our main idea was not to do what Mr. Brewin has so ably done, tell you all the technical steps that should be taken to make this Bill work, but merely to point out that there is a definite need for a Bill like that. When employers refuse to even take a vote to decide the bargaining agency of the men's own choosing, people do not like that stuff very well. After what is said and done in company unions and things like that—they are something Hitler believes in—

THE CHAIRMAN: I did not think he believed in any union.

A. That is the same way of saying another thing: that sort of employee-employer relationship does exist in Germany. The trade unions as such do not. There is no need for me to go into the history of that, how Hitler on his way to put down the trade union people, beat them up, and that sort of thing. There is a strong division there. That division is accentuated now because people think more about those things. They realize what Hitler is and realize what democracy is.

We have applied for a board of conciliation. We have applied to the Federal Government. We also applied to Mr. McMaster, and I am sorry to say we have not had a great deal more success with these other people, although I believe a board is being granted. We will go along with that. It has aroused hard feelings because the company have published these advertisements throughout the country which we do not consider to be true representations of the fact. They appear to us to be efforts to blacken the name of Local 1005 and eventually destroy it. All this could have been avoided had this Bill been previously enacted, and even by the enactment of some such Bill as this, it may come in time, because these boards of conciliation are notoriously slow pieces of government machinery. It may yet come in time for a vote to be taken. We are willing to abide by the result, to-day, to-morrow, any other time, we told the management that, yet they say all these hard things about us. They in effect say, "You will win the vote hands down," because they do not take one. If they thought they would win I don't think they would be unwilling to take one.

MR. MACKEY: Mr. McClure, would you tell the Committee the percentage of your membership relative to the total of the men employed in the Steel Company?

A. I am sorry, Mr. MacKay, I am not at liberty to do so. I would very much like to.

THE CHAIRMAN: We understand your position.

WITNESS: I do not object to the position at all. It is a matter of policy. There are more union members than there are on this council. I do not say how many more, because it also is the policy of the Union not to reveal it to an employer or his agent. In that case that would mean a public gathering.

MR. MACKEY: Are you satisfied to have a majority only?

A. Yes, we are not worrying about that.

MR. ANDERSON: What employees would be eligible to join these steel workers?

A. We believe, sir, less than four thousand. There are more employees than that. We are taking the voters' list for the employees representation plan, which excludes watchmen and guards and office employees in a confidential capacity.

Q. I notice you include everyone employed in the production of steel and iron.

A. Anything below the rank of a foreman and these other people in confidential capacity, including your watchmen and guards.

That is a rather sketchy outline. I am filing this brief with our letter to Mr. Hilton; a copy of a letter Mr. Hilton we understand sent to Mr. Maclean, and sent a copy to us, which I believe he is required to do by law; a brief which we sent to the Regional Board; and a copy of the company's advertisement which appeared across the country and you undoubtedly have all seen.

THE CHAIRMAN: I think it is rather regrettable you did not go through for law. You would have made a very good advocate. It is hard to resist your argument, you put it in such a manner—free from any bitterness as the result of your experiences. It is very nice to see a man with a smile.

WITNESS: Mr. Chairman, a case like this does not need very much ability. It speaks for itself.

MR. GARDHOUSE: You must be an Irishman.

A. I have some Irish blood in me.

MR. P. CAVANAGH (an employee of the Steel Company of Canada, Hamilton): Mr. Chairman, would it be in order if I attempted to explain the attitude of some of the workmen of the Steel Company? There is a possible reason why Mr. McClure has not got further.

THE CHAIRMAN: Do you want to ask Mr. McClure any questions?

MR. CAVANAGH: I would like to ask a question. Of the three basic steel producing companies in Canada, only the Steel Company, which was not under the control of the C.I.O., did not strike in the last steel strike. A lot who joined the C.I.O. have since turned in their memberships for that reason.

THE CHAIRMAN: I do not get the question which you are asking him.

MR. CAVANAGH: The feeling of a workman asked to join the C.I.O. in the Steel Company of Canada, one question that enters his mind is whether he wishes to have the C.I.O. as his bargaining agent since in the late steel strike the only basic steel producing plant which did not go on strike was the one which was not under the control of the C.I.O.

MR. FURLONG: That is a statement; it is not a question.

THE WITNESS (MR. MCCLURE): In that regard I do not agree that this plant was not under the control of the C.I.O. The question of a strike was discussed and the course of action was decided on, which was followed. Because a strike did not take effect does not necessarily say a strike could not have taken effect. I do not believe it was impossible that a strike could have taken place which would have crippled that particular plant the same as any strike could cripple a plant.

MR. CAVANAGH: That is the question that is bothering a lot of the men. The statement was made during the organization drive that no strike would be held in the Steel Company of Canada.

THE WITNESS: No strike has been called in the Steel Company of Canada.

THE CHAIRMAN: Mr. Cavanagh, you come up here and make your statement.

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PATRICK CAVANAGH, sworn. Examined by MR. FURLONG:

Q. Are you a member of the United Steel Workers of America?

A. No, I am not. I am not a member of any organization.

Q. Will you kindly explain the statement you made there? Are you an employee of the Steel Company?

THE CHAIRMAN: Which steel company?

A. The Steel Company of Canada.

MR. FURLONG: Q. In Hamilton?

A. I am a first helper in the open hearth.

Q. Is that the same plant where this particular union is supposed to have members?

A. Yes.

Q. Your statement, as I understand it, is to the effect that many employees who have not joined the C.I.O., or Steel Workers of America, are asking the question why it is that the Steel Company of Canada is the only place where there was not a strike, and it is also the only plant not under control of that union?

A. That is the question in the back of their minds when they are asked to join this union.

Q. Are they afraid that if they join they may be called out on strike, something of that kind?

A. Yes. A great many men do not believe they should strike under any circumstances at this time.

Q. For patriotic reasons?

A. Yes.

Q. Have you any further statement to make?

A. I have no further statement. My point of view, and the point of view of a great many men at the Steel Company will be fully expressed in the next brief you will hear.

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MR. PAT SULLIVAN: There is a question I wanted to ask the last witness, but he got off the stand.

T. W. MCCLURE, recalled. By MR. SULLIVAN:

Q. I understand, Mr. McClure, that you filed a copy of an advertisement. Is that the advertisement that appeared throughout the Dominion of Canada in the press?

A. Yes, Mr. Sullivan.

Q. Who paid for the ad?

A. The ad in question, Mr. Sullivan, is published by the Steel Company of Canada, Limited, Hamilton and Montreal.

MR. SULLIVAN: I ran across the same ad, Mr. Chairman, at least ten times. That cost \$600. I would like to leave the thought in the minds of the Committee that Mr. McMaster of the Steel Company can deduct that out of any income that he turns in to the Government—it is deducted the same as any contribution to the Red Cross or anything else, and they are using indirectly funds belonging to the people of Canada to fight our own organization.

THE CHAIRMAN: I have never seen this advertisement before, but I notice that it purports to be signed by "A Committee of the Independent Majority of the Steelworkers of the Steel Company of Canada." Do you know anything about the independent majority?

MR. FURLONG: I think you will hear something about it in the next brief, Mr. Chairman.

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#### REPRESENTATIONS OF THE CANADIAN FEDERATION OF LABOUR

MR. FURLONG: Mr. Chairman, we have here to-night the Canadian Federation of Labour.

MR. A. MEIKLE (President): Mr. Chairman, and honourable members of the Committee, to-night I am about to introduce a delegation of independent organizations, mostly from Ontario, who comprise, I think, more members than the C.I.O. and A.F. of L. put together, all Canadian citizens who want to make themselves heard by this Committee on the Bill that is about to be discussed by the Government.

We had the pleasure a month ago of appearing before the Prime Minister, Mr. Conant, and the Honourable Peter Heenan, and after a very good hearing we were assured that some of the fears we did entertain concerning this Bill would certainly not be in it. Because you realize that free men, free and independent organizations, value that freedom very much. They look with a great degree of suspicion at anyone who would traverse the privilege of a man to join the organization of his choice, because that is the basis of all labour organization, irrespective of what certain people might say against independent organization.

I have listened to a speaker to-night talking about two major bodies. The other groups were just tied together, tailing along, as it were. That is rather amusing. I am sure the Honourable Mr. Peter Heenan, Minister of Labour, would scratch his head at that one, because he belonged to an independent group

himself, one of the most important in the Dominion of Canada, with no closed shop, no check-off, one of the most successful organizations in this or any other country.

I happen to belong to another independent organization, and have ever since the inception of the trade union movement read and learned that independence is the finest part of any man or any institution. When it is trammelled by any form of dictatorship or compulsion progress ceases immediately, and only men and women of independent mind and independent character have been able right down through the ages to produce a set of conditions that brought about improvement in the social and other structures of society. I do not blame some of those individuals who castigate the independent organizations because they have not been just as vocal as the smaller groups, and they have not fallen victim to shouting with the biggest crowd at every turn in the road. Nor have the independent organizations attempted to explain to the Government or a committee of the Government what should be in the Bill and how it should be constructed. Free organization can be very brief in explaining its position. It has a few main tenets, tenets laid down by our forefathers that man in his struggle upward will have the rights and privileges to exercise freedom of speech, freedom of assembly and freedom of association as conditions. We know that it is our inalienable right, and I assure you, Mr. Chairman, that any group who would dare try to traverse that particular principle would find that, at the moment fairly inarticulate, fairly independent, men would have a whole lot to say at the testing time.

It is to evade that particular vortex that this number of organizations have been brought together for the common purpose of jointly protecting their interests. They do not all belong to the Canadian Federation of Labour, but they have all got something in common, and that is to preserve that inalienable right to belong to the organization of their choice.

As I said before, in front of the Prime Minister, I had not much fear that a Government of Ontario, or any other province, would put into that Bill something to deprive me or my fellow workers of the right to join an organization of our choice—I had no fear of it. But the mutterings of certain individuals, both political and industrial, on the public platform and other places were rather disquieting, and then appearing in the public press of the country were certain documents that were supposed to portray, as it were, what this Bill would encompass. It was because of those particular mouthings, and those particular paper reports, that a spontaneous meeting of all our group took place in the City of Toronto a month ago to air our views in this matter. I assure you that, having had the opportunity to do so, we appreciate that opportunity to a great degree.

I will not go into a long story of the basis of all labour organizations to-night, because the hour is late, and because I have a brief here to present to this Committee, and a few more speakers who will in detail explain the particular situation in their localities.

With those few remarks, Mr. Chairman, and members of the Committee, I would ask Mr. Burford, Secretary-Treasurer of the Canadian Federation of Labour, to read to you the memorandum we have to submit to this Committee.



W. T. BURFORD, sworn. Examined by MR. FURLONG:

Q. Mr. Burford, will you tell us where the headquarters of this organization is?

A. The headquarters of the Canadian Federation of Labour are in Ottawa. The organization, I might explain, was established in 1902, when the Trades and Labour Congress of Canada, an organization which is still functioning, I believe, became the mere subsidiary of the American Federation of Labour, and the Canadian unions walked out. At that time it was found more convenient for the members of the Labour Congress of Canada to arrange for the collection of the dues from the Canadian membership through the offices in the United States, to which they reported individually, and that arrangement I believe has obtained ever since, but at the convention in the Ontario city of Berlin in 1902 the independent Canadian organizations which were affiliated at that time with the Canadian Trades and Labour Congress walked out, and have been out ever since.

Q. How many are there now—how many locals or affiliates?

A. I have here somewhere a list, Mr. Chairman. The ones which are particularly represented here to-night, apart from the national unions which compose the general membership of the Canadian Federation of Labour, are those which are regarded as independent shop unions. The matter which we desire to emphasize before this Committee concerns the independent shop unions, who fear that their rights and opportunities will be curtailed by this legislation.

Q. Could you tell me how many unions there are, or locals, as you call them—about how many?

A. We have here a list of about thirty of the independent shop unions in Ontario?

Q. About how many members would that comprise?

A. The total membership represented in Ontario would be between 75,000 and 80,000.

Q. Will you proceed with your brief, Mr. Burford?

THE WITNESS:

“Submission on Behalf of

The Canadian Federation of Labour; The Canadian Federated  
Council of Employees and Associated Bodies

to

The Select Committee appointed by the Ontario Legislature.

The Canadian Federation of Labour and The Canadian Federated Council of Employees and Associated Bodies comprise a substantial number

or workers groups, associations and organizations each free and independent of the other and associated together for co-ordinated action in protecting, preserving and advancing their mutual rights and interests individually and collectively. While many of these organizations do not designate themselves as 'unions' they have all functioned and served the interests of their members and their fellow workers for many years. Many have been active useful organizations for many years, and all are active influences in Canada's war production to-day.

The aims and purposes of these organizations have been at all times the common interest of their members and fellow workers—maintaining satisfactory employer and employee relations, safeguarding and advancing the welfare of the workers in matters of wages, hours, working conditions, pension fund plans, mutual benefit, social and recreational activities and other conditions contributing to the betterment of their position as working men and women and to the attainment of improved standards of living for themselves and their fellow employees.

We would welcome a law which would—

- (1) Prevent any abuse by employers of any economic advantage as buyers of labour;
- (2) Be designed solely for Canadian conditions; rather than patterned on foreign legislation;
- (3) Recognize and preserve contractual relationships voluntarily established and mutually satisfactory to both workers and employers in any undertaking;
- (4) Safeguard the right of the workers to form their own unions, locally and in a single workshop if they so choose, without being threatened with loss of livelihood for neglecting to subscribe to a union which seeks monopolistic control of a whole trade or industry;
- (5) In general, do nothing to hamstring the freely-formed organizations of the workers, or to legislate any of them out of existence.

The New York Herald Tribune, relating to labour in the United States, recently stated that the total membership of the A.F. of L. and the C.I.O. did not include as many as one-fifth of the workers in the United States. Since labour in the United States has been organized by these two organizations on a much more extensive scale than in Ontario by its two Canadian subsidiaries the ratio is considerably less here than there. In Ontario there are at least 20 out of every 25 workers who do not belong to either of these two subsidiaries and those workers who have organized themselves into organizations such as we represent constitute no insignificant proportion of that 20/25ths group. Their collective memberships run into many hundreds of thousands in hundreds of industries located in every municipality in the Province of Ontario. They have developed their own vigorous and active independent unions, shop committees, works councils, employees' associations, employees' representation plans, benefit societies, pension fund associations and other benefit and welfare groups.

Here is a great body of labour in Ontario which is now restless and seriously disturbed. When the present contemplated labour legislation was first mooted in Ontario, the Honourable Mr. Hepburn and the Honourable Mr. Conant gave to the public the first intimation of what they then had in mind, the following public statements having been made by them and published in *The Globe and Mail* issues of October 29th and October 31st, 1942.

*Mr. Hepburn*

To ensure labour peace and maximum production a Bill recognizing the right of collective bargaining for labour is to be introduced in the Legislature *following present conferences being held with the two Labour Congresses of Canada. . . .* This Bill is now being drafted under Premier Conant as Attorney-General

*Mr. Conant*

The new *Labour Bill* will be framed *to meet the wishes of the Canadian Congress of Labour and the Trades and Labour Congress of Canada as far as possible.* In any event it will give *Labour* unions legal status and will establish the principle of collective bargaining.

From these statements and the constantly reiterated statements of the Honourable Mr. Heenan a vast uneasiness rapidly spread through the workers of Ontario that the proposed labour enactment would not constitute a new code for labour in Ontario but would be framed as preferential legislation for the two 'Congresses' would be discriminatory union legislation and be of a prohibitive nature in so far as all other labour is concerned.

The statement which Mr. Heenan is alleged to have made, namely, 'This Bill will go through or I will raise a hell of a row', and the reports published in the Press to the effect that the proposed Bill had been drafted by J. L. Cohen, K.C., did not tend to allay suspicion and that suspicion still festers in the minds of the workers and the people of Ontario to-day.

Labour organizations such as we represent are constantly subjected to scurrilous and violent attack by the C.I.O. and are branded by what its paid organizers and agitators consider the offensive appellation of 'company unions'. Of course the C.I.O. resents the formation of these free and independent bodies because the workers find out that they can get along better among themselves without the intervention of foreign and outside agitators dependent for their fat livelihoods on the pay envelopes of the workers and stirring up and fomenting constant labour unrest particularly in plants engaged in vital war production.

The constant prating of the C.I.O. that its primary object is to stimulate war production and maintain co-operative harmonious relations between employer and employee will not stand the test of close examination. The whole history of the C.I.O. in the United States and Canada since the war began has been one constant procession of stimulated strikes in major war industries and the attention of the Committee and the public is drawn to the fact that in so far as the C.I.O. is concerned war industries and war industries alone have been the prime target of that organization. That



such is the case in Canada is evidenced by the statement made by Tom Moore, Chief Spokesman for the A.F. of L. in Canada, that 80 per cent of war-time strikes in Canada were called by C.I.O. unions. If its interest lies in peaceful labour relations and stimulated war production it has taken a most astonishing way of demonstrating that intention.

The employees' associations and organizations which we represent include a number of organizations which the C.I.O. wrongfully stigmatizes as 'company unions' because the employer and the employees have co-operated in the interests of harmony, the welfare of the workers and increased war production. These organizations are violently attacked because they have successfully resisted the attempted inroads of the C.I.O.

Associated with the organizations which we represent are mutual benefit societies, pension fund associations, recreation clubs and other workers' welfare and social organizations. In many cases they receive partial support and valuable assistance and guidance from the employer.

All of these workers' organizations are a menace to the seizure by the C.I.O. of universal power over the workers of the province and are consequently the subject of constant unjustifiable vituperation and attack. That they supply and fulfil the needs and desires of the workers and provide a priceless co-ordination of employer-employee functions is conclusively established by the fact that unrest, disturbance, and strikes are virtually unknown in those industries where they function free of molestation and interference from the C.I.O.

We regret that we have been impelled to allude in this brief to the C.I.O. but its violent, unwarranted and untruthful attacks on the groups which we represent made it imperative that we answer in no uncertain terms.

We welcome a new Labour Law which will constitute a new Bill of Rights for labour in Ontario.

We recognize the free and democratic right of workers to organize and to govern themselves.

We recognize progressive labour legislation as desirable social legislation of a comprehensive nature touching and affecting the lives and welfare not alone of the workers but of every individual and every community.

We believe in a Bill of Rights for labour which will provide adequate rights and protection for all but which will give to no organization or group special rights, powers or privileges to the curtailment of, interference with or destruction of the rights, freedoms, privileges and duties of others.

The question consequently arises how can these objectives be attained. Demands have been made that the Bill must (a) remove the stigma of illegality from trade unions; (b) prohibit the setting up of 'company unions' or 'shop unions'; (c) provide that employers must enter into collective bar-

gaining agreements with representatives whom their employees have selected; (d) establish the check-off."

THE CHAIRMAN: No, you are wrong there. That has not been asked for.

WITNESS: Not before the Committee.

THE CHAIRMAN: That is what we are (the Committee).

WITNESS: I understand it has been publicly advocated by certain organizations.

MR. FURLONG: Including a political group. However, we will leave that out.

"(e) provide that trade unions be given special protection against legal proceedings by employers; (f) provide for the appointment of an administrator of the Act whose decisions shall not be subject to review by the courts.

(A)

Professor Finkelman has advised the Committee that trade unions are illegal in Ontario but there is a wide divergence of opinion among Ontario lawyers as to this and as to the extent of the illegality if any such illegality does exist. If the term trade unions as used by Professor Finkelman means and includes employee organizations such as we represent and such are in fact illegal in Ontario law then we agree that all should be given legal status.

(B)

With the proposition that the law illegalize certain forms of existing organizations, many of our federated bodies distinctly do not agree and in this they are supported by other labour organizations which we represent. They assert that they have functioned effectively and well in advancing the workers welfare and interests and without strife or strike and consequent interference with production. This position they take with firmness and assurance and particularly now at a time when Canada's war production is so vital to the preservation of the lives of the men at the front and the maintenance of the democratic principles for the preservation of which they are now risking their lives. If the employees wish to solicit co-operation with the management and assistance or other support that is their inherent democratic right and must not be taken from them. Any attempt to take that right from them will be strenuously resisted by them now and in the months and years to come and can lead to nothing other than bitterness, accentuated resistance, dissatisfaction and unrest.

(C)

We hope the law will facilitate collective bargaining but the question of sole collective bargaining rights raises many matters of supreme difficulty. Many plants are divided into departments employing labour of a particular

skilled class or type. Frequently the workers of such a department are determined to regulate and govern themselves and their own affairs independently of all other departments and of all other workers. In many plants there are several or many such departments similarly disposed. In these cases how can one particular union, group or association be superimposed on those who are not prepared to yield up their own individual or group rights. In many other plants such conditions do not exist but in many plants a condition does exist where some of the workers belong to a union affiliated with a central body while others belong to an independent local organization of their own. Frequently these are in open and bitter opposition to each other but in most cases the affiliated union demands the sole bargaining rights while the independent body demands bargaining rights for its members only. In these cases it is impossible to superimpose the one on the other without producing chaotic results. These are the facts and no law can change them. The only answer seems to be that before one is given domination over the other it must establish an overwhelming preponderance of membership. This inevitably leads to another matter of prime importance. Due to the war many plants engaged in essential war production have expanded in varying degrees. In some of these plants new employees outnumber old employees of long standing. On the termination of the war many of these plants will have to revert to their peace-time production with consequent major diminution of the number of workers employed. It is only natural to assume that those retained will be those who were with the company in times of peace and trained and skilled in the company's normal peace-time production. On any plant vote to determine the bargaining agency consideration must be given to this highly important factor and we recommend that any Bill must make adequate provision in this respect. Many of our members have suggested that on a plant vote each employee should have one vote for each year of his employment with the company. Others have made other suggestions based upon other periods and on other factors but virtually all are agreed upon the principle that length of employment confers some and even considerable rights.

(D)

We also recognize that if any organization is given the sole collective bargaining rights it can and usually does very quickly force every employee to join that organization and pay whatever the demanded dues may be. While our federated groups as such would like to have the check-off because it would make enforced payments easy we find that the members individually are violently opposed to this.

(E)

We also realize that if any organization is given the sole collective bargaining rights and consequently put in the position where it is able to force every employee to join and pay dues that organization immediately becomes subject to certain clearly defined responsibilities. In the first place, being able to force payment of dues by the employees those dues should partake of the nature of trust funds and should be accounted for to the members penny by penny and publicly to the Government which has given to it this powerful weapon over the employees' earnings. We recognize and accept this elementary principle.



In the second place, we point out that the reason why most collective bargaining agreements are unenforceable is due to one elementary fact. In Canada very few unions or workers' associations, organizations or groups have sought incorporation or availed themselves of registration under the Dominion enactment. This has left them in the position where they do not constitute any legal entity in law. The result is that when they enter into a collective bargaining agreement with an employer the contract is a purely one-sided contract. In other words, one party to the contract, namely the employer, is a recognized legal entity capable of contracting and obligated to fulfil his contractual obligations. The other party, namely, the union, association or group, is not a legal entity and is not bound or obligated by the contract. This leads to the result that there is in fact no contract recognizable by law, and the necessity of some form of legal status.

It has been suggested that the Act provide for the appointment of an administrator of the provisions of the Act whose decisions shall not be subject to review by the courts. We are opposed to this almost to the point of defiance. We believe in our law and our system of justice. That is the bulwark which separates democracy from Nazism. We are unprepared to place ourselves in the hands of any administrator appointed from time to time by the government then in office or to surrender to any administrator or to any government our just legal rights.

In conclusion, we refer to the statement that if a collective bargaining Bill is not brought in the country faces a serious wave of strikes brought about by provocation. That statement must have referred only to the C.I.O. Since the outbreak of war the history of other unions has certainly not been one of persistent and widespread strikes throughout the essential war industries and in defiance of the law. In addition, many of our associated organizations have no collective bargaining agreement but we manage to look after ourselves in our own way and get along and settle our differences without strife or strikes. We welcome a law establishing collective bargaining rights provided that it is a law that is fair to all, will prevent labour racketeering and the fomenting of labour disputes and unrest for ulterior purposes and will safeguard and protect the rights and liberties of the workers as a whole."

MR. FURLONG: Q. Mr. Burford, am I to gather from this brief that you are opposed to making collective bargaining compulsory?

A. No, sir, we are in favour of making collective bargaining compulsory under proper conditions, with proper safeguards.

Q. Now then, are you opposed to having provisions in an Act to determine who the collective bargaining agent shall be?

A. No. There would necessarily be such provisions in any such Act, so far as we can foresee. But we believe that the mere fact that on a certain agreement a particular organization has a majority say of one in a plant should not entitle it to the exclusive bargaining rights. We believe that seniority rights are important in industry, that a man who has worked say ten or fifteen years

and become a veteran employee has more claim to his job than the person who was taken on casually last week and who may be out next week. There is a wide fluctuation of employment, particularly in war plants.

Q. But is that not a question of negotiation when it takes place around a table between the bargaining agent and the employer?

A. In establishing who shall be the collective bargaining agent, I mean it is rather important. We think that some regard should be had to a man's stake in his job, acquired by long service. We think that a man who has been ten years with a firm should have a bigger share of voting power than a person who has just been hired, and who might not be there next week. The thing is subject to abuse not only by labour organizations but by employers as well. It might be convenient for some employer, in collusion with a labour organization, to increase his staff at a certain period by a small number to get a 51 per cent majority for a certain group. To prevent any collusion of that kind we think serious study should be given to the question of allowing voting power on a basis of seniority of service.

Q. But, Mr. Burford, if a collective bargaining agreement was negotiated by say 51 per cent of the employees who had chosen a certain union to be the bargaining agent, that agreement would only apply to the union members, the members that belong to that union. It would not apply to those who did not belong to it, unless there was a law compelling a closed shop. No such thing has been asked for by any union. So the agreement would in its terms take care of those problems you are worrying about, I think, unless you can enlighten me along that line.

A. Not necessarily, sir. It is possible for an open shop agreement to be applied coercively and oppressively by the contracting union so workers who were entitled in the terms of that agreement to its full benefit are deprived of their rights. As a rule a union which has bargaining rights makes an agreement with an employer covering all employees of such class, craft or category, but it is the practice in certain quarters to steal the rights of workers who are not members of the union that has the agreement even in an open shop.

Q. Doesn't every union acknowledge seniority?

A. A gentleman says, "In what way?" I should like to read to you a clause in the constitution of a respectable labour organization called the Grand International Brotherhood of Locomotive Engineers:

"It shall be the policy of the B. of L.E. to restrain the seniority privileges of full-time non-member engineers. General Committees of Adjustment under the jurisdiction of the G.I.D. are hereby authorized and instructed to use their best endeavours with their respective managements to retain for the members of the B. of L.E. preference in passenger, mixed trains, assigned freight runs, and switch engines. Engineers who are not required to revert to firing service, and who have not availed themselves of an opportunity of joining the B. of L.E., or hired engineers who are not members of the B. of L.E. shall not be given assignment as herein set forth unless no member of the B. of L.E. makes application therefor.

As these conditions are obtained it shall be the policy of all Divisions under the jurisdiction of the G.C. of A. to set an entrance fee for the full-time engineer applicant at the amount of money equal to the amount of the G.C. of A. dues and assessments which he has evaded paying at the time his application for membership is received."

That is to say, that the Brotherhood of Locomotive Engineers may enter into an agreement with a railway company guaranteeing to all employees certain seniority rights but the members of the B. of L.E. are instructed to try to steal away those rights when opportunity occurs.

Q. But if in the collective bargaining agreement they were preserved, they would be preserved irrespective of the provisions in the constitution.

A. I think they would be preserved if, in the first place, they were so safeguarded they could not be snatched away. That is, in determining which is the bargaining agency, if due weight were given to seniority, to the man's stake in his job, though we do not wish to submit any formula or to usurp the functions of the Committee in drafting the Bill, we do suggest you might study that question rather seriously, because it is important to a great many workers in industry.

I should like to file with the Committee a facsimile reproduction of the B.L.E.'s constitution covering that point.

EXHIBIT No. 70: Constitution and by-laws of the Grand International Brotherhood of Locomotive Engineers, containing clause read at page 612 of this record.

Bearing on that point, Mr. Chairman, a suggestion was once offered to another legislative body that the rights of the minority under an open shop agreement could be effectually safeguarded by a provision in any collective bargaining Bill specifying what those rights normally are, and they should be enjoyed equally by non-members of the contracting organization with those who are members. There is a draft of that legislation in my hand, and I would like to read it to you.

MR. FURLONG: Q. What Act was that taken from?

A. This was never enacted. It was just a proposal submitted to another legislative body, that in a collective bargaining Act or anything of that nature provision should be made to protect the rights of minorities under ostensibly open shop agreements, and the provisions ran like this. This is very short, and was drawn up with particular reference to one industry, the railway industry. This is quoting the basic principles:

"That the union representing the majority of the employees of any employer shall be recognized as the representative union."

That is, the representative union should be the union having the majority.

"That all negotiations between any employer and the employees in any class, craft, or category respecting wages, conditions of labour or terms



of employment, shall be conducted between the employer and the representative union, and no person except the accredited officers of such representative union shall have the right to negotiate for such union or to enter into any agreement on behalf of the employees in such class, craft, or category.

That all employees who are members of any union which is not the representative union shall be entitled to and shall (except as to the right to negotiate for, and, in dealings with the employer, the right to represent the employees of such class, craft, or category) receive the same benefits and privileges, and shall in all respects enjoy the same terms and conditions of employment as employees of the same class, craft, or category who are members of the representative union or as employees who are represented thereby."

If that suggestion is of any value—

Q. What legislature was that submitted to?

A. To the Dominion Government as an amendment to the Railway Act. It was a proposal which was not accepted.

MR. HAGEY: Q. Have any of your organizations or employee members of your organizations been injured by collective bargaining organizations in other provinces?

A. No, they have not that I recall.

THE CHAIRMAN: Have they been helped?

A. I think to some extent they have. I think the Saskatchewan legislation and the Manitoba legislation are models which might well be studied.

MR. FURLONG: Q. Then I take it you are opposed to any provisions which outlaw company unions?

A. Company unions are difficult to define in some cases. In general, however, taking the ordinary accepted definition as applied by the Honourable Mr. Heenan, a company union is one which is dominated or financed by an employer, we do not regard that as a satisfactory form of organization. On the other hand, we are not here gunning against company unions, any more than we are gunning against other organizations. If we were to ask the Legislature to outlaw company unions we would put them in second place after the C.I.O. We are not asking them to do that to the C.I.O.

Q. You are not asking that they be outlawed because you do not like them. Is that it?

A. No, we will fix them.

Q. What is your attitude with regard to the yellow dog contract?

A. I should like to know exactly what is meant by "yellow dog contract." There seem to be a great many varieties.

Q. From the evidence given here, I understand it is one of those contracts which the employer asks the employee to sign, stating that he will not join a union, or take part in union activities, something of that sort. They promise them money and better jobs not to join a union.

A. We are definitely opposed to that form of coercion.

Q. What about the incorporation of a trade union—what is your attitude on that?

A. Frankly, sir, I don't know to what extent incorporation would relieve the situation.

Q. You are not asking that unions be incorporated?

A. We believe that where a union acquires the bargaining rights and is put in a position to exercise any pressure upon workers to become members and subscribe to its funds regardless of their wish in the matter, that that union should be compelled to register—at least, to give the members an accounting of the funds it takes from them, or collects from them. We believe it should give an accounting to those members.

Q. You think there should be some form of registration?

A. My own particular union is registered under the Trade Unions Act in Ottawa, and a great many of our unions are registered in that way.

Q. Have you any of your locals registered under the law of any of the other provinces?

A. In British Columbia, I am not familiar with the exact form of the law, there is a system of registration there. I don't think it is very seriously enforced. I think it only amounts to submitting the names of the officers of a union and filing an occasional balance sheet. I don't think it is enforced seriously.

Q. What is your attitude with regard to the imposition of penalties for violation of any of the rights an Act might impose or give—rather, I should say the imposition of penalties on companies for violating any of the provisions of a collective bargaining Act?

A. I don't think we have given any particular study to the possibility of violation, sir. I suppose no Bill would be complete without a penalty clause.

Q. In other words, it would be like the Versailles Treaty?

A. That is about it.

Q. Have you given any thought to the method of administering the Act, the plan to be adopted—to set up a board of one man, or three men, or five men to act as a court to decide labour troubles?

A. No, sir, we have not essayed to draft the Act to that extent. We have registered our opposition to having an administration free from review by the courts. We believe the workers should have access to the courts to enforce their rights.

Q. You think if there is a board set up, there should be some appeal from it to a court?

A. I think so. I think we are justified in taking that view by what has occurred in the United States, where I am told they have an enormous body of new jurisprudence piling up in rulings and precedents, which almost exceeds the entire legislative effort of the United States, and I think when you embark on these extra-legal ventures where you cannot have recourse to the ordinary courts of justice you are engaging in a very dangerous experiment. I do not believe the workers should be debarred from access to the courts for any purpose.

MR. BREWIN: Is Mr. Burford coming back by any chance? I would like to ask some questions, but I hate to take the time of the Committee at this hour of the night.

THE CHAIRMAN: Are you coming back, Mr. Burford?

A. No, sir. I am going away as soon as I can. I have a berth on to-night's train. If I do not take that train I will have to walk.

MR. BREWIN: What I do want to ask him about is whom he represents?

Q. First of all, you mention 85,000, some of whom were in the Canadian Federation of Labour—that is your organization, Mr. Burford?

A. Mr. Chairman, we did not query this gentleman when he was giving his testimony. If it is your desire that I should answer his questions, I suppose I am in your hands, but we have not made a practice of listening to the gallery.

THE CHAIRMAN: The Committee decided that, although we have the power to subpoena witnesses and all that, there would be no compulsion here, that if any person wanted to come in and express his views and answer questions it would be perfectly free and voluntary on his part. If he does not want to answer questions he does not have to.

MR. BREWIN: I should explain in fairness to Mr. Burford, I am informed by my clients that his claim to represent 85,000 workers is one that cannot be substantiated. If Mr. Burford does not choose to answer my questions about that, we will have to accept it. I am telling him those are my instructions, that they very much doubt his right to speak for such a body of workers.

THE WITNESS: Mr. Chairman, that provokes a remark. I don't know whether we have here present the actual representatives of the groups with which we are particularly concerned to-night in connection with this Bill; that is, the groups who fear they might be outlawed as shop unions and so forth, but I have here a list of those particular organizations, and if the members of them who are in the hall would like to stand up and identify themselves, it might be a help.



Some have gone home, unfortunately. These, I might say, are outside of the regular membership of the Canadian Federation of Labour, which is 51,000, and these represent very large bodies in the Province of Ontario, commonly called employees' associations or shop unions.

(Reporter's Note: The witness then called out the names of the following organizations, and the representatives of the same stood up.)

Canadian Westinghouse Employees' Association,  
Otis-Fensom Independent Union,  
Loblaws Employees' Association,  
Sawyer-Massey Employees' Association,  
National Steel Car Employees' Association,  
Burlington Steel Employees' Works Council,  
Atlas Steel Workers' Independent Union,  
Greening Wire Workers' Independent Union,  
Hamilton Cotton Workers' Association,  
Kirkland Lake Workmen's Council,  
United Copper Nickel Workers,  
Chromium Smelter Workers' Union,  
London Concrete Machinery Shop Union,  
Schultz Die-Casting Workers' Association,  
Proctor & Gamble Employees' Committee,  
Royal Oak Dairy Employees' Association,  
and 17 other Dairy Employees' Associations.

Those are the particular organizations that are most concerned.

MR. BREWIN: I am wondering if Mr. Burford would want to answer any questions about the Canadian Federation of Labour.

THE CHAIRMAN: Ask him and we will find out.

MR. BREWIN: Mr. Burford, have you any objection to telling us in what industries the Canadian Federation of Labour finds its representatives? You spoke of there being 51,000 members.

WITNESS: That is a matter of public record. The list of organizations embraces workers in the communication field, the railway field, the coal mining field, and in almost every variety of trades throughout the country. They are building ships; they are building houses, and they are scattered far and wide, but that is the normal membership of the Canadian Federation of Labour as certified by government inspection of the records, 51,600.

Q. For example, have you any members in the National Seamen's Association?

A. The National Seamen's Association? Capt. McMaster, what do you represent?

CAPT. H. N. MCMASTER: The Canadian Brotherhood of Marine Engineers and the Mercantile Marine Officers' Guild, about 9,000. (Also National Seamen's Association.)

MR. PAT SULLIVAN: Could I ask Mr. Burford a couple of questions, if it is all right with the Committee?

WITNESS: Mr. Chairman, I do not wish to answer questions from members of the public if it is not your particular desire that I should answer them. I do not wish to hear the question. We are here to see the Committee, to lay our case before this Committee, not before Tom, Dick and Harry who gets into the hall.

MR. SULLIVAN: I think Mr. Burford should be told I am representing an organization which is not paper.

WITNESS: I know. You just came out of jail.

MR. SULLIVAN: Mr. Chairman, I would like to know where this organization—

MR. MEIKLE: Mr. Chairman, I am introducing a delegation. Mr. Burford has refused to answer the question.

THE CHAIRMAN: Mr. Burford does not care to answer the question, and the Committee have decided they are not going to employ any of their powers of compulsion. They are not going to subpoena people here who do not want to come. There are a lot of them making a lot of public statements and telling us what we ought to do. Then we decided compulsion was not any good, if a witness does not want to answer a question.

MR. SULLIVAN: Mr. Chairman, I realize your difficulty. Could I leave this file of sworn statements, Mr. Chairman, which will show the racketeer union was the National Seamen's Union. There are 45,000 seamen on the Great Lakes, and we have thirty of them.

EXHIBIT No. 71: File of documents deposited by Mr. Pat Sullivan.

MR. MEIKLE: As this happens to be a delegation I wish to introduce, I ask you to hear Mr. McKelvey of the Westinghouse.

#### CANADIAN WESTINGHOUSE EMPLOYEES' ASSOCIATION

J. R. MCKELVEY, sworn.

THE WITNESS: Mr. Chairman, I am here to speak for the Canadian Westinghouse Employees' Association only. We formed the Association close to two years ago, and we have operated ever since. I hold the position of Secretary-Treasurer of that Association.

We have a different condition at our plant than most plants have. We have 2,300 men at least who have served with the company over ten years, and about 900 of those have served over twenty years. The biggest majority of these men do not want to belong to any organization whatsoever. They have been satisfied with the treatment they have received.

THE CHAIRMAN: You mean they do not want a company union?

A. Do not want any kind of thing. They are satisfied. We have organized, we have a goodly number, we do not claim to have a majority of all employees. But we want these older men protected as well as our own association. We do not only deal for our own association members, we deal for all employees in the plant. We have a verbal collective bargaining agreement with the Company, and we meet the Company once a month, put our case before them, and work through the works council. Every department in the plant is represented, and we have done very well.

Now, the matter of a vote coming up in a plant, if one might be forced upon us, we feel that a 51 per cent majority should not control, because with the present exodus of employment particularly, that 51 per cent to-day might be 47 per cent to-morrow, and you would have the minority controlling the majority. We are asking that at least 65 per cent majority be maintained, and even at that you have a 35 per cent portion of your employees who may possibly always be causing some kind of uprising, and 35 per cent is enough in itself. We do not think we are asking for too much when we say at least 65 per cent majority. That will give them a good working majority, and will at the same time protect the bargaining agent. He would have some protection, too, whoever it might be. We are certainly not against the collective bargaining Bill we have been accused of so much.

THE CHAIRMAN: What Bill is this?

A. The one you are going to bring in, they tell me.

Q. You might be against it if you saw one, if we were able to draft one.

A. In taking this vote we also feel that these older men should have the preference. They really have something at stake.

Q. Like a shareholder in a limited stock company who has 100 shares, he can vote 100 times?

A. That is the way we feel, that each man should be given one vote per year of service, or some plan along that line. I would like to point out to you the reasons particularly why these older men are satisfied. There have been occasions where men have not been satisfied with their pay. They have referred their cases to the Regional Labour Board, and in every case they have been turned down, the Board stating that they were getting as much pay or more than the same trade in that locality. That has actually happened. We are very much against propaganda. We don't go for it—we don't want it. Mr. Howe has named our plant as the No. 1 war plant of Canada. We produce the most vital products of war without a doubt.

THE CHAIRMAN: That man from Sudbury would not agree with that.

WITNESS: I said products. We feel that this propaganda gets the men upset for a while until they find the truth of it, and in the majority of cases they have been built up on lies, all these statements, and the men have proved it after investigation.



Another thing the men have there: in 1920 our Canadian Westinghouse Company put in a benefit department. The membership to this department was voluntary, and the moneys contributed are held in trust by the Company. The expense is borne entirely by the Company, including the wages of the superintendent, the doctors, nurses and all First Aid personnel, and a fully equipped First Aid depot. The Company guarantees the solvency of the fund. Since its inception the members have received over \$735,000 in benefits and the cost of maintenance has been in excess of \$345,000.

In 1930 a group life insurance plan was put into effect, and regardless of a man's physical condition he was able to get a thousand dollars life insurance. He paid a portion of the premium and the Company paid the other portion. He had something to build up an estate. The Company has paid out in excess of \$100,000 in premiums alone in that.

Then the Service Pension Plan, the Company has a pension trust fund in the amount of \$2,000,000, and this fund in itself is unique, we believe. It pays to the dependents, such as widows, widowers and children under sixteen. It is doubtful if any other such scheme is extended to dependents. The employees do not make any contribution to this fund whatever.

The cost of living bonus has been paid since the beginning of 1941. At the present time there is \$4.25 a week being paid by Canadian Westinghouse.

Since the Employees' Association has come into effect we have had the holiday scheme changed. It was that if you worked there ten years you got a week's holidays with pay. We were able to cut that down in 1941 to five years for men, and girls after three years' service receive one week's vacation with pay, and after ten years' service both male and female receive two weeks' vacation with pay. This new plan has been in force since July 1st, 1941. The cost to the Company for holidays for the first ten months of 1941 amounted to approximately \$80,000.

Then the Employees' Association put in another scheme of reporting pay. Men now reporting for work and finding none are paid two hours' wages, and those reporting and starting work, regardless for how long, receive a full four hours' wages. This has shown its effects in the present winter when the girls working in the Lamp and Radio Section where gas is a necessity, have had to be sent home because of the shortage of gas. They received four hours' pay.

We have senior and junior employees' associations. These have been very active for a number of years. The Company recognizes our Employees' Association, and we have been bargaining with them since our inception. We are absolutely free from domination by the Company in any way, shape or form, and we govern ourselves accordingly. I am paid personally by the employees of the plant. The Company contributes not one five cent piece. That is one thing I want understood. We charge a fee. I have the constitution here, and I would like to put it in as an exhibit to show how we operate, and I think you will find we are absolutely free of any domination by any company.

EXHIBIT NO. 72: Constitution and by-laws of Canadian Westinghouse Employees' Association.

MR. HAGEY: What percentage of the employees contribute to that fund? All of them?

A. No, sir, only those that wish to join our Association. It is freedom of association entirely, and that is one thing we do want protection on.

MR. GARDHOUSE: Do you use any propaganda to get them to join?

A. No, sir, none whatever.

THE CHAIRMAN: Do you not whisper anything?

A. We don't have to. We show our work.

Q. The merits sell the scheme?

A. That is exactly the story.

MR. GARDHOUSE: By your work you are judged?

A. That is the only way to get by. We also have the War Veterans' Association there, and St. John's Ambulance Corps, a fire department. The Company supports all those.

Each department is represented. We have a works council. It meets once a month. We meet ourselves once a month. And the following week after working hours we meet the management.

THE CHAIRMAN: And thresh out your difficulties?

A. That is right.

MR. GARDHOUSE: Do you meet in the Company's office?

A. We meet in the management's office, that is after hours.

All I want to ask of you, gentlemen, if you do bring in a Bill, is to see that we are protected. We are satisfied as we are. We want to stay as we are. We are doing the job, and nobody, I don't care who it is, can do a better job. The employees will be satisfied. We are getting out production. I think most of you men know the production of the Westinghouse.

THE CHAIRMAN: You say the management does not interfere in any manner, shape or form with the selection of the employees' representatives?

A. No. We run the elections ourselves. The constitution covers that. We have the nomination and the two highest stand up for election. We feel we are happy the way we are, leave us alone, give us the right to work ourselves as we should be allowed to in a free democratic country. That is all we ask.

MR. ANDERSON: You do not want any outside interference?

A. That is right.

MR. GARDHOUSE: You believe in collective bargaining, but you believe it should be 65 per cent of the employees?

A. Yes, sir, that percentage at least, because if you have a smaller percentage, I can tell you right now, the way business is, men are leaving to-day and joining the army, being laid off, what have you, to-morrow your very small minority may be ruling.

By MR. AYLESWORTH:

Q. Your works council is, of course, elected from among the members of the Association?

A. That is true.

Q. That council takes up matters with the management that they think should be taken up with the management, I assume?

A. That is true.

Q. On that council to which the employees are elected does the management appoint any representative?

A. Definitely not.

Q. It is a wholly elected body?

A. Absolutely, strictly employee control. There is no person from foreman up permitted to be a member of our association.

MR. FURLONG: Q. Mr. McKelvey, speaking of this majority you refer to, 65 per cent; if you had that majority and you entered into a collective bargaining agreement you would not expect that agreement to be terminated if the membership in the union suddenly dropped?

A. No, that is true.

Q. Until the agreement expired?

A. No, that is true, absolutely, but you are not taking such a great chance with a higher percentage.

Q. You are only taking a chance for a year; they are generally made by the year.

A. If you take 51 per cent look at the great chance there is of that dropping overnight.

Q. The difference is only 14 per cent.



MR. HAGEY: With the benefits you have been able to provide for your members you should have 100 per cent.

A. As I tell you, our older men won't join anything. They are satisfied. They are very satisfied. They have had a lot of things given to them.

MR. GARDHOUSE: What percentage of your members vote? They do not all vote?

A. In a vote they would all vote. Do you mean what membership do we have?

Q. Do 100 per cent of your members vote?

A. That is very doubtful. I don't think you would get 100 per cent vote in our plant.

MR. FURLONG: He is talking about the members in your Association. Would they vote 100 per cent?

A. They would vote 100 per cent for the Association, definitely.

THE CHAIRMAN: Mr. McClure wants to ask a question.

MR. MCCLURE (United Steel Workers of America at Hamilton): I wanted to ask a question about the proposition advanced both by him and Mr. Burford, that the older men should have a greater voting power than younger men, something on the order of joint stock companies. Might not the reverse be true, that younger employees, who generally are younger men with longer expectancy of life, consequently greater interest in the future, have a right to more votes?

WITNESS: That is something I cannot answer.

MR. MCCLURE: I know very many of the older men, whose expectancy of working life is not great, take the position that, while they are wholeheartedly behind this, they think it is the duty of the younger men to do the work, because they are going to get more out of it. It will be of benefit to them in their lifetime more than it will be the the older men.

WITNESS: I hope I have impressed upon the Committee that our older men are the backbone of our company.

EXHIBIT No. 73: Literature describing Canadian Westinghouse Employees' War Services and Charities Fund, also Canadian Westinghouse Company Benefit Fund.

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NATIONAL SEAMEN'S ASSOCIATION

MR. MEIKLE: Mr. McMaster, President of the National Seamen's Associa-

tion. Mr. McMaster wants to state the unique position he has in the industry he represents.

HERBERT N. McMASTER, sworn.

WITNESS: Mr. Chairman, I will not keep you very long. The night is late. The purpose of my being here in Ontario to-night is that we have from the Province of Ontario a great number of seamen continuously going out in ships, and the regulations which will govern the shore industry will naturally have some repercussions on the labour legislation which affects the ships. The two come in close contact to each other.

We have over a period of many years been engaged in the handling of labour for ships. I have been in all the positions on board ships and on shore. I have had the most prominent positions this country has to give a marine man, from cabin boy or lamp boy on a ship to general manager of a steamship company. I owe no apology to any person as far as the operation of ships is concerned.

I regret exceedingly it is my duty to-night to relate to this Committee some of the obstacles that we have encountered over a period of years in the Province of Ontario in our efforts to keep the mercantile marine in operation. In the organizations which I represent in one capacity, I regret to say my chief executive vice-president has paid the supreme sacrifice at sea in the war effort. The assistant to him has paid the supreme sacrifice in the war effort at sea, and my immediate assistant, who is the nominal working head of the National Seamen's Association is to-night busily engaged in the Port of Montreal in collecting a crew which will leave Montreal for an Atlantic coast port to join a ship in the overseas service.

I mention these facts to show that the organizations I represent are active organizations, not paper organizations in name only.

We seek no favours from anybody. We have contracts with ships and governments, governments in exile, our Canadian Government; we also serve the British Government, British Ministry of Shipping, in fact, practically all ships that fly the allied flags on the high seas, as well as many lines on the Great Lakes.

During this period of attempting to get the seafaring personnel into a position where they would receive sufficient remuneration on board these vessels, and particularly lake vessels, I was invited at that time to form an association, particularly for the officers of the ships. In that we were very much interested in Ontario. My headquarters were in Ontario at that time, being an Ontario man, and we undertook to amalgamate these officers into organizations for their own protection, in which, I am happy to say, we were very successful. As the period of years slipped along we found it was necessary to form organizations to control the entire ship in its different capacities with different organizations, such as the three organizations which were mentioned to-night by me. I happened to be the president elected.

During this period of construction we had all classes and creeds of personnel apply to us for membership. Even the president of the opposing organization

went through the books of the National Seamen's Association, put his name to an application there, and then tried to get control of that organization through a group of non-Canadian activities, for which they were expelled from the organization, and the records in the office of the National Seamen's Association will verify these facts, that their presence was undesirable with other seamen, and so they had to be eliminated. We next find them cropping up with the All-Canadian Congress of Labour of the day, and only a short period elapsed when they were again on the outs, fighting for themselves, and it is most unfortunate that an organization such as the Canadian Federation of Labour should see fit to pick up such a man and put him into a position, or take him into a position whereby his policies could be put into force with seamen. Since then we have had one continuous stream of trouble.

A DELEGATE: I think you made a slip there. You said the Canadian Federation of Labour.

WITNESS: No, the American Federation of Labour picked up this opposition group. We have had since then one continuous stream of difficulty in the operation of ships. You people here who are residents of Toronto can remember when the ships of your port were tied up from one end to the other. Ships were tied up spring after spring between Cornwall and Fort William, men dragged off their ships in the middle of the night, thrown into halls. All sorts of terror was instilled into the minds of the seamen in order to get them to join this organization now headed by this group which had no respect for law and order in Canada.

This agitation became so pronounced all down through the years, and became such a nuisance to the operating of ships, that the vessel owner did not know whether his ship would move or whether it would not. Petty strikes cropped up all over till finally one day the Canadian Government thought, "We had better take a hand in this," and so the group that was heading that union at the time was taken out of circulation, and since then, and while they were out of circulation, the ships continued to operate.

I mention this fact, Mr. Chairman, to show to you that the organizations I represent are bona fide independent unions, entirely under the jurisdiction of their own board. They make their own laws and conditions, and their own contracts with owners. We are not connected in any way with any foreign organization. We are purely a Canadian organization, but we have been treated in a most friendly manner by some of the organizations to the south in the manipulation and handling of ships' crews. I have no complaint to make against the major bodies, but I am surprised that an organization such as the antagonistic organization to the organization I represent should be picked up by a reputable organization in this country and allowed to function for the disturbance of peaceful seamen.

In the matter of wages, Mr. Chairman, we have obtained through peaceful channels down through the period of years the highest wage scale that was ever known in the Canadian merchant marine on the Great Lakes. Those contracts still stand, and irrespective of all the aggressive tactics practised by the opposition, they failed to reach the wage scale we were able to get for the seamen of our organization, and that still stands. We could have even gone further if it had



not been for the War Labour Board who said, "Well, you have got enough," so we had to stop.

I mention this fact, Mr. Chairman, to point out to you that labour harmony between employer and employee is a possible factor, that there is not a great deal of trouble in handling employers if they are reasonable, and my experience has been in dealing with employers, not only of Canadians but of all the nationalities that are friendly to the Allies, that they listen to reason. We have been instrumental in making a wage scale for some of the foreign nations in exile who operate their vessels to and from the North American coast.

I wish to point out that in the handling of this we practise no aggression. If a man does not want to join the organization I represent he does not have to. The majority of sailors, when they come to get a job, are broke—they could not buy a postage stamp, let alone take a membership, but they have to have a ship. We provide them with a ship—not only with a ship, but we provide them with transportation that takes them to the ship, and see they are comfortably looked after till they get there. All that is administered by the organization.

I want to say this, that the organizations I represent, while they act as independent organizations under their own councils, they act as labour management for the handling of ships and shipping. A steamship company or vessel owner will simply say to the organization, "There is a ship. She wants twenty or thirty or forty," whatever it may be, from the captain down, and we supply the ship with the entire personnel and place it aboard the ship with all their various grades and ratings, and see that she sails.

Anything to the contrary of what I have said is not true. I happened to sit at the rear of this hall, and saw the leader of an opposing organization place a pile of briefs here somewhere. If those briefs are produced on the same score and with the same tactics that their house journal, "The Searchlight," was published, I can tell you they are not worth the paper they are written on.

In the Province of Quebec, where a vicious attack was made on one of the leading lawyers of a city as being a company stooge, the producer of these documents, who was the editor of their journal, was only given a matter of hours to take that full issue of "Searchlights" off the market. They were taken in and the lawyer's name was obliterated. Every statement in "The Searchlight" was untrue.

THE CHAIRMAN: What is "The Searchlight"?

A. It is the house organ of the Canadian Seamen's Union, and the lawyer's name that was dealt with in that "Searchlight" at that time is now one of the Ministers of the Quebec Government, the Provincial Treasurer.

I mention these facts, Mr. Chairman, to try to point out to you the class and calibre of the people we have to deal with in trying to man these ships and keep them in operation.

I am not here to-night, Mr. Chairman, to answer questions from the rank and file. I submit this information to you for what it is worth in the hope that

some of the pitfalls might be avoided which compel minorities to lose their rights, their jobs and even their personal safety. And in the framing of this collective bargaining Bill, which has my full support, as I think we should have collective bargaining, this Select Committee will be responsible to the people of this province for its result, and if this Bill does not protect the rights of minorities and protect the rights of those who are unable to protect themselves against the gangsterism that goes up and down this province on the waterfronts, they will have to bear their full share of the consequences.

THE CHAIRMAN: What form does the gangsterism take?

A. If a man pulls you out of bed, carries you off the ship in the middle of the night when you don't want to go, isn't that gangsterism?

Q. Who does that?

A. The Canadian Seamen's Union has done it spring after spring. I couldn't tell you how many springs. It is common practice. The head of that union is in the hall to-night, and he is the man who submitted this brief (Exhibit 71).

Q. Who is he? Name him.

A. His name is Sullivan—Pat Sullivan. He is known all over the country, gentlemen. If you want to find his record you will find it in the law court officer's records. It is most unfortunate, I say, for labour that such a man should be placed at the head where so much harm can be done to labour, because labour deserves a decent break. We try to get that break for them.

I do not wish to detain you further, Mr. Chairman. All I wish to say is that we handle a great many Ontario seamen of all grades and classes in all kinds of ships, and I think in the percentage that we have from this province they should know that I have voiced my opinion in their behalf in the construction of this Bill. I thank you. I do not propose to answer any questions to anybody outside of the Board.

MR. HABEL: Would you mind answering a question or two on this file of Mr. Sullivan's (Exhibit 71)?

MR. PAT SULLIVAN: There is one document of my own that was filed that should not be in there.

THE CHAIRMAN: I think he should be able to withdraw anything he likes.

MR. HABEL: There is a document that is in the file already that would change your case a lot. Is this the one here?

MR. SULLIVAN: Yes.

MR. HAGEY: I do not think shipping is under our jurisdiction. There seems to be quite a strong feeling here, which is quite all right to air, but it is not of any great help to the Committee if we have not any jurisdiction over shipping.

WITNESS: You have jurisdiction over all inter-provincial shipping for collective bargaining, ferry boats and internal harbours, and so on.

MR. HABEL: Would you have known a fellow by the name of J. M. Osborne?

A. I know the name, yes.

Q. Was he acting as an agent for your organization at one time?

A. Osborne was supposed to be a Communist.

Q. I see next an affidavit from him, stating he was acting as agent for the union?

A. Osborne submitted representations to the organization as from a Communist meeting.

Q. How would it be that there would be something to this effect here:

"This is to certify that Mr. J. M. Osborne is a duly qualified and accredited representative of the Canadian Brotherhood of Ships' Employees, and as such he has due authority to solicit membership applications, receive fees and/or dues, and issue receipts on behalf of this Brotherhood."

It seems to be signed by you?

A. Yes, but that organization went out of business. Osborne was a member of the Communist party that attended this meeting, and that letter was given to him at that time.

Q. That was in 1938?

A. Quite a while ago.

Q. There are some quite substantial charges in this file (Exhibit 71).

MR. PAT SULLIVAN: Mr. Chairman, I think in the interests of myself, in view of the statements that Captain McMaster has made, we have someone here who should be allowed to get up and speak a few words on the grievances of the Seamen. He knows things for a couple of years that I do not know. As Captain McMaster says, I was away for a vacation in an internment camp, but I went there because I was aggressive and fought for the working men of this country. I would ask you to let Mr. Ferguson take the stand, because the press is carrying every word that has been said. I think it is fair to me.

THE CHAIRMAN: I think that is fair.

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DEWAR FERGUSON (Canadian Seamen's Union), sworn.

WITNESS: Mr. Chairman, I was a seaman for nine years before becoming



executive officer of the Canadian Seamen's Union. I have been with the Union since its inception in 1936. Previous to that I was a seaman sailing on the Great Lakes, and I joined the National Seamen's Association, of which Captain McMaster was then Lake Governor. He had been running that Association for some time and never done anything for the men; in fact, the wages were cut from 1931 to 1935 to pretty near a third during that time. As a result, there was a strike broke out.

THE CHAIRMAN: That was the period of the terrible depression.

A. Yes, also to the organization. In 1935 there was a strike of seamen which came up more or less spontaneously, and Captain McMaster, in the terms of the seamen, sold them out. So the organization folded up and went to pieces, and out of that strike the Canadian Seamen's Union was formed. I was elected secretary of the striking seamen in Toronto, and in 1936 we formed the Canadian Seamen's Union.

THE CHAIRMAN: Is that a Dominion-wide organization?

A. No, it does not cover the west coast as yet, but covers all the Great Lakes and Atlantic coast and the fishermen. We have our charter from the Seafarers' International Union of North America. I am Secretary-Treasurer of that organization now.

MR. HABEL: What salary are you getting?

A. \$125 a month. May I identify certain articles in that file? These are official documents signed by H. N. McMaster.

In 1937 we got our first agreement through threatened strike. It did not come to a strike. Between 1936 and 1937 our organization had grown pretty powerful and, in fact, embodied about 90 per cent of the seamen on the Great Lakes. We asked the operators to sign agreements and they would not. We threatened to strike and they gave us a wage increase.

In the spring of 1938—the companies in the middle of the winter signed a closed shop agreement with Captain McMaster. We had agreements with them but in the winter, when the boys were all away, in February, before the ships fitted out, they signed a closed shop agreement with him, forcing every seaman into his organization before they would be allowed to sail on the boats. That resulted in a strike. Company unions and company controlled organizations should be outlawed. By their signing agreements with his organization it resulted in the strike in 1938, and the only thing we asked in that strike was that the employees should be allowed to join a union of their choice. That strike tied up shipping for several days. As soon as the companies signed an agreement that would allow their employees to join a union of their own choice, then the shipping went on its way properly.

The shipping interests were not finished then. They still wanted to maintain Captain McMaster as their stooge.

I want to refer to this letter. J. M. Osborne was appointed by the National

Seamen's Association. This (letterhead) is the "Canadian Brotherhood of Ships' Employees, affiliated with the Canadian Federation of Labour, H. N. McMaster, Governor." It says:

"To Whom I May Concern:

This is to certify that Mr. J. M. Osborne is a duly qualified and accredited representative of the Canadian Brotherhood of Ships' Employees, and as such he has due authority to solicit membership applications, receive fees and/or dues, and issue receipts on behalf of this Brotherhood.

This authority is valid as from even date and until renewed August 31, 1938."

Here is an affidavit that was published.

MR. HABEL: What is the date of that letter?

A. 1938, just after the strike that tied up shipping, the companies agreed to give us full right, let the employees belong to the union of their own choice. They tried another scheme—they tried to build another phoney organization that would distract the seamen, and formed what they called the Marine Workers Protective League of North America.

THE CHAIRMAN: Who formed that?

A. Here it is, "Marine Workers' Protective League of Canada."

"This is to certify that the bearer, Mr. J. M. Osborne, is authorized by the Executive Committee to act as National Organizer of the Marine Workers' Protective League of Canada." Signed by Wilfrid Leroux. President.

But if you will notice, gentlemen, for an official seal they have the seal of the Canadian Brotherhood of Ships' Employees in here. You would not notice it, but this seal says, "Canadian Brotherhood of Ships' Employees." It links it up. That organization was so discredited that it eventually folded up, and I want to read you an affidavit here. This is an affidavit signed by Osborne who was the accredited representative of McMaster's Marine Workers' Protective League:

"I, John M. Osborne, seaman, of the City of Montreal, there residing at 999 St. Lawrence Blvd., being duly sworn, do hereby depose and say:

1. That on the 19th of June, 1938, I was approached by one Frank Valiquette, formerly employed as an organizer of The Canadian Brotherhood of Ship Employees, who stated that he wanted me to form an organization in opposition to The Canadian Seamen's Union.

2. That on the said occasion the said Frank Valiquette did state that he was no longer employed by the said Brotherhood which was headed by Captain H. N. McMaster.

3. That on June 21st, 1938, I acceded to the further request of the said Frank Valiquette to visit some people with him and that thereupon the said Frank Valiquette took me to the office of J. A. Mathewson, K.C.

4. That on my arrival at the said office there were present Mr. J. A. Mathewson, Captain H. N. McMaster, and Mr. Wilson, K.C.

5. That the aforementioned parties did then, upon the threat of black-balling me with all the shipping companies demand that I head a new organization to be known as "The Marine Workers' Protective League of Canada."

6. That the aforementioned parties did state that the object of this organization was to disrupt the Canadian Seamen's Union.

7. That the said Mr. J. A. Mathewson, K.C., on that occasion did state that I and the other organizers of the said proposed League would be well paid; that if I accepted the position as general organizer, that he would personally guarantee that I receive \$22.50 per week, and that any other delegates employed by me would receive \$10.00 per week, and that the whole of the said payroll would be received each week at Mr. Mathewson's office, together with any miscellaneous expenses.

8. That in view of the said threats I consented to become general organizer of the said League.

9. That on the said day, namely, June 21st, 1938, a meeting was held at which were appointed the following Provisional Committee: J. M. Osborne, General Organizer; Charles Wolfe, Chairman; Joseph Leroy, Recording Secretary; Patrick Dillon, Publicity Manager; J. Collins, Secretary-Treasurer.

10. That at the said meeting the following resolutions were passed, to wit:

1. That two leaflets attacking J. A. Sullivan, which were read to the meeting, be distributed in conspicuous places.

2. That organizers should board vessels at Cote St. Paul before C.S.U. delegates could get aboard.

11. That on June 25th, 1938, I received at the office of Mr. Mathewson, K.C., the sum of \$18.00 as part wages in my capacity as General Organizer of the aforementioned League.

12. That on June 24th, 1938, I received from the office of Mr. J. A. Mathewson a package containing five hundred membership cards of the Marine Workers' Protective League, and also one thousand of the aforementioned leaflets attacking the character of the said J. A. Sullivan, and also a suit of clothes and accessories for H. Taylor, who was to be employed to distribute the said leaflets.



13. That on July 2nd, 1938, I presented myself at the office of Mr. J. A. Mathewson, K.C., to obtain money to cover the payroll of the organizers of the said League for the previous week."

THE CHAIRMAN: Can you not make your point?

MR. HABEL: Would you mind telling us as a fact whether this man belonged to a Communist organization?

A. I don't know.

Q. Do you happen to know he was interned for subversive activities?

A. The last I saw the man was in 1939. He was actually what we call a winehound, a drunk. He was a person who could not get employed. I don't know what his activities are. This is the type of people they deal with.

There are one or two other things that Captain McMaster states.

MR. FURLONG: I think this is not collective bargaining. It has not got any bearing on whether this Act should be drawn, or what your report should be. It is a fight between two men.

WITNESS: On the question of collective bargaining, I am Secretary-Treasurer of the Canadian Seamen's Union. The main thing is this, that company organizations, financed and controlled by companies, have resulted in two strikes at least, by forcing employees in the other organizations like, for instance, signing closed shop agreements with men like this—

THE CHAIRMAN: To shorten it, I take your point to be this, that you are against what they call, or what is generally now accepted as, a company union; that is, one dominated or interfered with by the employer?

A. Yes.

Q. What do you say about Captain McMaster's allegation that your organization shanghaied men off boats?

A. There is a law against it.

MR. HAGEY: There is a law against murder, too.

A. It is utterly ridiculous. Imagine Pat Sullivan shanghaing somebody. He is not a very big guy.

MR. HAGEY: He did not say Pat Sullivan.

MR. HABEL: Did you?

A. No, sir, I did not. Furthermore, we enjoy the confidence of the largest steamship companies. We have agreements with 85 per cent of the largest steamship companies on the Great Lakes.

THE CHAIRMAN: I suppose your union, like every other organization, has a few hotheads, and there may have been some isolated instances of people being shanghaied?

A. No, that is not so.

Q. There was something in the Police Court.

A. There was prosecution for a fight on the picket line.

MR. FURLONG: Q. Nothing for shanghaiing?

A. No, nothing. It is utterly ridiculous.

MR. HAGEY: I do not think this should go any further. This has not arisen as the result of any questions by this Committee. It is an offshoot of something else. I think we are getting into what the Minister referred to as a hell of a row.

THE CHAIRMAN: Captain McMaster got into his peroration and that opened the avenue. It was only fair to allow a reply. The Captain opened it up, and, surely, a man has a right to defend himself.

MR. PAT SULLIVAN: Who is the National Secretary-Treasurer of the Canadian Brotherhood of Ships' Employees?

WITNESS: I believe Captain McMaster's daughter is.

Q. Do you know who the General Organizer is listed on their letterhead?

A. It was his son.

Q. What is he employed as?

A. I don't know.

Q. He is a druggist in Toronto.

Whereupon the Committee adjourned at 11.40 p.m. until 11 a.m. the following morning.

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## SEVENTH SITTING

Parliament Buildings, Toronto,  
Wednesday, March 10, 1943, at 11.00 o'clock a.m.

Present: Messrs. Clark (Chairman), Anderson, Gardhouse, Habel, Hagey, Newlands, Oliver, MacKay and Murray.

Mr. W. H. Furlong, K.C., Counsel to the Select Committee.

Mr. J. Finkelman, Adviser to the Committee.

Mr. J. B. Aylesworth, K.C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.

Mr. D. W. Lang, K.C., Counsel for the Canadian Manufacturers' Association (Ontario Division).

Mr. F. A. Brewin, Counsel for the United Steel Workers of America.

Mr. Stephen Fitzpatrick, representing Independent Union in the Steel Company of Canada (Hamilton).

Mr. William Duckworth, representing Local 516, U.E.R. & M.W. of A.

Mr. William Edmiston, representing the United Gas, Coke and Chemical Workers of America.

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THE CHAIRMAN: The Committee will please come to order.

Mr. Furlong, what is the first order of business this morning?

MR. FURLONG: I desire to file with the Committee the following letters in favour of the Bill from:

Toronto Typographical Union, No. 91.

The Canadian Congress of Labour.

Canadian Brotherhood of Railway Employees.

National Beverage Workers' Union.

Local 232 of the United Rubber Workers of America.

Kelsey Wheel Division, Amalgamated Local 195, UAW-CIO.

United Automobile, Aircraft, Agricultural Implement Workers of America (UAW-CIO).

H. M. Crawford, 337 Beresford, Toronto.

J. E. Cooke, 6 Neville Park Blvd., Toronto.

R. Carter, 59 Winnett St., Brantford.

Toronto District Labour Council.

Pioneer Lodge, No. 103, International Association of Machinists.

Industrial Union of Marine and Shipbuilding Workers of Canada.



United Association of Journeymen Plumbers and Steam Fitters.

International Union of Operating Engineers.

EXHIBIT No. 74: Letter dated March 5, 1943, from Wm. R. Lucas, Secretary-Treasurer of Toronto Typographical Union, No. 91, addressed to Major James Clark:

"March 5, 1943.

Major James Clark, Chairman,  
Select Committee of the Legislature,  
Parliament Buildings, Queen's Park,  
Toronto, Ontario.

Dear Sir,

Under instructions of the Toronto Typographical Union, No. 91, an organization comprising 1,100 members, I am writing to urge you and your Committee the immediate need for the passage of compulsory collective bargaining legislation.

It is the unanimous opinion of this organization that such legislation is not only badly needed but long overdue in the Province of Ontario, which is the banner province of the Dominion and the leader in industry. Unfortunately it lags far behind most of the other provinces in collective bargaining legislation.

In the gigantic war effort in which this country is now engaged it is an indisputable fact that the majority of those on the fighting line are working men, and the same holds true in our great munitions of war industries, many of them members of our various trade unions. Surely these men are not fighting for a return to the same conditions of labour which they left to take up arms in defense of democracy. Your Committee is in a position to help greatly in seeing that this does not occur.

We believe that an acceptable Labour Bill should outlaw company unions; we believe that in the interests of peace and harmony all workers engaged in industry should be members of a union; we believe that collective bargaining should be made compulsory with unions which have freely selected their own bargaining agency and their negotiating representatives. Without such legislation there is a very great possibility that strife between industry and labour will become greatly intensified rather than lessened after victory at arms is won.

You will agree, we feel sure, that such a state of affairs would be most undesirable and even deplorable. The responsibility of making recommendations which might obviate any such possibilities rests with your honourable Committee and we respectfully request that you do everything in your power to bring about adequate legislation to meet the requirements.

Thanking you for a favourable consideration of our requests, I remain,

Yours truly,

(Sgd.) William R. Lucas,  
Secretary-Treasurer."

EXHIBIT No. 75: Letter dated March 6, 1943, from Thomas. B. MacLachlan, President, The Canadian Retail Employees' Union, addressed to Premier Conant:

"March 6th, 1943.

Honourable Gordon Conant,  
Prime Minister of Ontario,  
Parliament Buildings,  
Queen's Park,  
Toronto, Ontario.

Dear Honourable Sir:

As President of The Canadian Retail Employees' Union, I have been instructed to forward to you the enclosed letter which has been passed at General Meetings of each of these Locals.

Yours very truly,

TBM/OW  
Enc.

(Sgd.) T. B. MacLachlan,  
President, The Canadian  
Retail Employees' Union."

EXHIBIT No. 76: Documents referred to in Exhibit 75:

"We, the Members of The Canadian Retail Employees' Union of Toronto, Hamilton, London, Ottawa, St. Catharines and Niagara Falls urge you to introduce and adopt a genuine collective bargaining Bill in the present session of the Legislature as you publicly pledged to do. Your assurance of adopting such legislation was welcomed and greeted by all who desire labour-management co-operation and national unity to win this war.

It is apparent that small but powerful selfish groups have loosed a reckless campaign to prevent the enactment of the legislation you promised to enact. Your Government must not capitulate to that reactionary pressure.

We urge you to proceed along the lines which you followed up to a few days before the opening of the present session. In doing so you will have the whole-hearted support of all workers and of all right-thinking people in Ontario who want unity, and all-out effort, and a democratic labour policy in accord with the modest wishes of organized labour.

(Sgd.) The Canadian Retail Employees' Union.  
March 5th, 1943."

EXHIBIT No. 77: Letter dated March 9, 1943, from J. W. Ringsdorf, Secretary Local 262, Canadian Brotherhood of Railway Employees, addressed to Premier Conant:

"127 Inkerman, Street,  
London, Ont.

March 9/43

Hon. Gordon Conant,  
Premier of Ontario.

Dear Sir:

At the meeting of Local 262, Members of the Canadian Brotherhood of Employees, a motion was made and passed, that I forward to you the following:

That the Members of this Local request from the Prime Minister of Ontario his co-operation and assistance, with regards the Collective Bargaining Bill, now before the Committee, and that you will give this Bill your support in every way.

Thanking you, I beg to remain,

Yours very truly,

(Sgd.) J. W. Ringsdorf,  
Secretary, Local 262, C.R.B.E.,  
London, Ont."

EXHIBIT No. 78: Letter dated March 8, 1943, from Frank Butler, President, National Beverage Workers' Union, to the Chairman of the Collective Bargaining Committee.

"March 8, 1943.

The Chairman,  
The Collective Bargaining Service Board,  
Toronto, Ontario.

Dear Sir:

The Union-Management Committee has been in operation with the National Beverage Workers' Union, Local 1, and John Labatt Limited for some time and it has proven very successful.

Yours very truly,

Frank Butler,  
President."

F. J. Butler: O

EXHIBIT No. 79: Mimeographed letter dated March 4, 1943, from Harold S. Williams, member of Local 232, United Rubber Workers of America, to Premier Conant:

"March 4, 1943.

The Honourable Gordon D. Conant,  
Premier of Ontario,  
Parliament Bldgs.,  
Toronto, Ont.

Dear Sir:

As a member of Local 232, United Rubber Workers of America, I have



followed with considerable interest the course being pursued by the Provincial Government with respect to the new Labour Bill.

I cannot understand the failure of the Government to implement this measure at the opening of this 1943 session, particularly after the public statements made by officials of the Government. It would seem the vicious attack on Labour launched by anti-labour interests is influencing the Government on this matter.

I ask you, as my representative in the House, to use your influence to see to it that the Bill is acceptable to labour and particularly that all forms of 'Company Union' are declared illegal under the Bill.

I will be watching the progress of the Bill very closely. The Organization is non-political, but we believe in supporting people who support labour. If it is your desire to have the support of myself and others in this organization in future elections, you could signify it by openly supporting a Bill that will incorporate in it the real desires of organized labour.

Yours truly,

(Sgd.) Harold S. Williams,  
78 Woodside Ave.,  
Toronto, Ont."

EXHIBIT No. 80: Canadian National Telegram dated Windsor, February 19, 1943, from Robert Byerley, Kelsey Wheel Division, Amalgamated Local 195 (UAW-CIO):

"Windsor, Ont., Feb. 19, 1943.

Hon. Mitchell Hepburn, M.L.A.,  
Queen's Park.

We five hundred workers of the Kelsey Wheel Company at a special meeting voice our strongest support of the sentiments and demands expressed by President Alex. Parent of Local 195, UAW-CIO, in his telegram to you on February 12 STOP We regard the delay in presenting and passing the collective bargaining Bill for labour as proposed by the Hon. Peter Heenan as dangerous to the cause of industrial peace and victory during 1943 STOP We urge that nothing be permitted to stand in the way of the passing of the Bill at this session of the Legislature STOP The Bill is necessary to national unity and a total war effort STOP The scuttling of the Bill would constitute a victory for the business as usual reactionary lobby and a defeat for the millions who have confidently been looking to this session of the Legislature to pass the Bill STOP We urge that you use all your influence now to promote the preconditions for total war by passing the Bill during this session.

Respectfully yours,

(Sgd.) Robert Byerley,  
Kelsey Wheel Division,  
Amalgamated Local 195 (UAW-CIO),  
Chairman."

EXHIBIT No. 81: Letter dated March 2, 1943, from Roy G. England, President, Ford Local 200 (UAW-CIO), to Premier Conant:

"March 2nd, 1943.

Premier Conant,  
Parliament Buildings,  
Toronto, Ontario.

Dear Sir:

Please find enclosed resolution adopted unanimously at a conference of A.F.L., C.C.L. and C.I.O. leaders in Windsor, held Sunday, February 28th, 1943. The conference expressed regret that you were unable to be present to participate in the discussion.

Trusting this resolution will receive your earnest consideration, I remain,

Yours very truly,

(Sgd.) Roy G. England,  
President,  
Ford Local 200,  
U.A.W.-C.I.O."

REG:RH  
Enc.

"RESOLUTION ON POLICY OF THIS CONFERENCE FOR GUIDANCE OF  
CONTINUATIONS COMMITTEE

Whereas: The historic 'unconditional surrender' conference at Casablanca and the offensives of the Soviet armies firmly establish that 1943 is the decisive year for victory in this war against fascism; and

Whereas: Canada is one of the most important sources of war materials for the armies of the United Nations, and particularly for the powerfully equipped armies led by Gen. McNaughton which are on the verge of opening a great and final offensive on the continent of Europe; and

Whereas: Ontario is by far the most important producer of war materials in Canada; and

Whereas: The morale and productivity of the working people of Ontario would be greatly enhanced if they were guaranteed the rights of collective bargaining by law; and

Whereas: The enactment by law of a labour Bill that would prevent employers from refusing to deal with the unions chosen by the majority of their employees and prevent employers from discriminating against employees because of trade union activity, and that would prohibit so-called company unions under whatever guise they may appear, would permit labour in Ontario to give its complete organized talent and strength and enthusiasm to the problem of increasing production in co-operation with industry and the Government; and

Whereas: The enactment of such a Bill guaranteeing labour the legal right to collective bargaining would eliminate the greatest single source of industrial strife, as is so clearly exemplified by the present strike in Wallaceburg; and

Whereas: Such a Bill would help to promote unity of all classes in Ontario and this unity is necessary to the all-out effort required in this crucial year of 1943; and

Whereas: The enactment of such a Bill is entirely in harmony with the democratic aspirations of the United Nations and the Atlantic Charter to which Canada subscribes; and

Whereas: The Minister of Labour for Ontario and the Premier of this Province have on many occasions voiced their appreciation of the urgent need for such a Bill and have repeatedly pledged themselves to work for the enactment of such a Bill; and

Whereas: A powerful lobby of wealthy industrialists, inspired by the false and dangerous illusion that the war is already won and the time ripe for smashing organized labour at the expense of national unity and for the purpose of amassing huge profits in the post-war period, is financing an insidious campaign in many newspapers and through devious means against the enactment of such a Bill; and

Whereas: These anti-democratic profit-mad industrialists and their lobbyists are attempting to foist company unionism upon the working people and the nation; and

Whereas: The Premier of Ontario has established a special Legislative Committee which is charged with the responsibility of investigating the question of such a labour Bill and bringing its recommendation to the Legislature in the shortest possible time;

Therefore be it resolved: That this emergency conference of hundreds of delegates representing over 31,000 organized workers in A.F. of L., C.C. of L. and C.I.O. Unions and many thousands of other citizens in Windsor, one of the most important war industry centres in the British Empire, unanimously and respectfully urges upon you to use all your power and influence towards the most rapid enactment of a labour Bill for collective bargaining which will guarantee to working people of Ontario the legal right to bargain collectively through unions of their own choice, and prohibit by law the discrimination by employers against employees for union activities, and prohibit by law company unionism; and

Be it further resolved: That this united Conference pledges all support to all efforts to bring about the speediest possible enactment of such legislation."



EXHIBIT No. 82: Letter dated February 28 (1943) from H. M. Crawford to Premier Conant:

"337 Beresford,  
Toronto, Feb. 28 (1943).

Premier Conant,  
Queen's Park,  
Toronto.

Dear Sir:

I write to ask you to keep your promise concerning legislation to make collective bargaining mandatory. Please give your support to such a Bill before the Select Committee on collective bargaining.

Yours respectfully,  
(Sgd.) H. M. Crawford."

EXHIBIT No. 83: Letter dated March 1, 1943, from J. E. Cooke to Premier Conant:

"6 Neville Park Blvd.,  
Toronto, Ontario,  
March 1st, 1943.

Premier Gordon D. Conant,  
The Ontario Legislature,  
Queen's Park, Toronto.

Dear Sir:

Our war production depends on good relationships between employers and employees. Good relationships depend on equal relationships. Labour can never meet employers on equal terms until it is strengthened by a law compelling employers to bargain collectively with the union of their employees' choice.

It was heartening to see that several members of the Legislature realized this fact and were becoming interested in the welfare of the working people of Ontario. Under your leadership they were committed to introducing such a Bill before the present session of the Legislature.

It was disgraceful to see yourself, and the others, bow to the storm raised by pressure groups and permit the promised Bill to go by the board. Instead a rather ambiguous committee has been created to consider possible legislation on collective bargaining with no guarantee that a collective bargaining Bill will be introduced.

The C.I.O. bogey has been raised again and it is apparent that strenuous attempts are being made to play the A.F.L. unions against the C.I.O. unions. Such action will only lead to increased industrial disputes and the resultant disruption of our war effort will be your responsibility. To prevent such a calamity I urge you to introduce and support a real labour Bill before the special Committee on collective bargaining and to see that it is introduced before the Legislature with your full backing.

Yours sincerely,  
(Sgd.) J. E. Cooke."

EXHIBIT No. 84: Letter dated February 27, 1943, from R. Carter, 59 Winnett Street, Brantford, to Premier Conant:

"Brantford, February 27, 1943.

Hon. Prime Minister G. Conant,  
Premier of Ontario,  
Parliament Bldgs.,  
Toronto, Ont.

Dear Sir:

I am writing you in connection with the strike at Wallaceburg and the actions of yourself and the Provincial Government in sending the Provincial Police there. Just why this was done is beyond me. Actions of this kind do not help a situation such as this but they just aggravate same and cause a lot more trouble than would develop if left alone.

Is it possible this is an intimation of your attitude towards labour and their needs—if so it is a very poor one and we do not need such attitudes or the men that hold them. What we want is someone who has the interests of labour at heart in order that labour may give their whole-hearted support so that we may be able to win this war, and the sending of Provincial Police as was done in the Wallaceburg strike will never do it.

It is time the exploitation of labour by employers was put a stop to instead of encouraging them to continue their practices.

It is also time the truth was told as to the cause of strikes. They come in very handy at times, do they not?

Is it possible such actions as have taken place in connection with the Wallaceburg strike in order to make it a union buster and to discourage organization by the workers into unions of their own choice something that will stop exploitation of the workers of not only Ontario but the Dominion of Canada and this sure needs doing.

I would also like some information as to your attitude toward the collective bargaining Bill. Is an attempt being made to have this Bill shelved? There is no doubt the vested interests which this Bill would affect do not want it passed as it would sure put a stop to their exploitation practice as to the workers. It would place the workers in a better financial position when medical aid and other necessities are needed in the homes of the workers.

Is it not possible it is time something was done for the benefit of the workers by the powers that be and Provincial Police would not be needed and they could be used for some useful war work instead of knocking workers out with night clubs because they want something for their benefit in order that the employers may not have everything their own way as has been done in the past.

Hoping your attitude toward labour will take a decided turn for the

better and let us have that collective bargaining Bill which would go a long way toward strikes not being necessary.

Yours truly,

R. Carter,  
59 Winnett Street,  
Brantford, Ont."

EXHIBIT No. 85: Letter dated February 27, 1943, from J. W. Buckley, Secretary, Toronto District Labour Council, to Premier Conant:

"February 27, 1943.

Hon. G. D. Conant,  
Premier of Ontario,  
Queens Park,  
Toronto.

Dear Sir:

At the last meeting of the Toronto District Labour Council, the subject matter in relation to the withdrawal of the Bill for the right of Collective Bargaining, by the Provincial Government of Ontario, was under discussion.

It was with a feeling of regret that we learned that the employing interests, as represented by the Canadian Manufacturers' Association, had sufficient influence upon the Provincial Government, as we are led to believe as a result of a copy of the circular that was issued by the C.M.A. as of January 11th, Ontario section, a copy of which is in our possession.

Having regard to the fact that the C.M.A. were responsible for our Protective Tariff system, under which they have so largely benefited, and which was first introduced in order to foster infant industries, the only result being that they demand that the Tariff be still maintained, although under its beneficial protection they have now consolidated free competitive enterprise into giant corporations, cartels, monopolies and trusts, on which watered stock is being paid out of all proportion to the original investment.

Does it not seem strange that they demand high protection for the manufacturer, to protect him in the selling of his commodity, in an open market, yet refuse the same right to the wage earner who they consider should sell his labour power, in an open free trade market, unrestricted in their bargaining power, and with a constant surplus of labour available as a reserve army for the employing interests. They do not seem to realize that after this war their previous concepts of industry and labour will not be applicable.

We are not fighting Hitler, to give pre-eminence to a super-capitalistic class who subsidized Hitler in his rise to power, and whose first objective on achieving office was to destroy trades unions and the right of collective bargaining, but to give to labour and the wealth producer a higher standard of living in conformity with our productive powers, which we know to-day are unlimited.



We trust that our representations will be given more than the usual consideration, as while organized labour is prepared to obey the law, we are also prepared to look to legislative changes in the component make-up of our Legislature, and to seek to elect those to office whose policy and legislative outlook will give tangible results to the policies and principles that we from time to time enunciate. And in doing so, we are only following the policy and practice of those who in the past have been so financially able to dictate the policies of reaction to the welfare of the masses of the people of the Dominion of Canada.

Yours respectfully,

(Sgd.) J. W. Buckley,  
Secretary,  
Toronto District Labour Council."

EXHIBIT No. 86: Letter dated March 3, 1943, from T. P. Flanagan, Secretary, Pioneer Lodge, No. 103, International Association of Machinists, to Premier Conant:

"Stratford, Ont., March 3, 1943.

The Honourable Gordon Conant,  
Prime Minister of Ontario,  
Toronto, Ont.

Sir:

At the regular meeting of the above Lodge held March 1st, 1943, the Government Bill for collective bargaining was discussed. I was instructed to send you the following protest:

The members, knowing the benefits to the workers of this Province by the passing of this Bill, wish to protest the handing of such important legislation to a special Legislative Committee. The anti-labour forces, along with their high-price lawyers and 'yes' men for so-called labour organizations, such as 'company unions', will appear before this Committee and try to either defeat this Bill or amend it, to make it useless to the workers of this Province.

The members think that this Bill will prevent interruptions of work in our different war production plants, also have a bearing on greater production which is most vital to our total war effort. I am,

Yours truly,

(Sgd.) T. P. Flanagan.

Copy:  
The Hon. Peter Heenan,  
Mr. A. Dixon, M.P.P."

EXHIBIT No. 87: Letter dated March 3, 1943, from H. Spicer, Secretary, Industrial Union of Marine and Shipbuilding Workers of Canada, Local No. 4, to Premier Conant:

"Box 712, Collingwood,  
March 3, 1943.

Mr. Gordon Conant,  
Prime Minister of Ontario,  
Toronto, Canada.

Dear Sir:

We take this opportunity of placing our views before you regarding labour legislation that will guarantee the right of workers to organize in unions of their own choice and management recognize and bargain collectively with such unions chosen by a majority of employees.

If your Government is to remain in our good graces, favourable legislation along the mentioned lines should be passed in the immediate future.

Yours truly,

(Sgd.) H. Spicer,  
Secretary."

EXHIBIT No. 88: Letter dated February 4, 1943, from J. L. Twamby, Secretary, Local Union 576 of United Association of Journeymen Plumbers and Steam Fitters of the United States and Canada:

"Stratford, February, 4, 1943.

Hon. Gordon Conant,  
Premier of Ontario,  
Toronto, Ontario.

Dear Sir:

For some time labour has been promised that adequate legislation would be brought down to protect the workers of Ontario, the greatest industrial province of our Dominion.

Former Premier Hepburn, Hon. Peter Heenan and yourself have all promised the workers of this province that the Government would enact into law a labour Bill that would protect them and make collective bargaining compulsory. This promise was welcomed, and its fulfilment eagerly awaited by the whole province.

For reasons which we fail to comprehend this matter has been turned over to a Committee on collective bargaining.

We regret that the Government of Ontario has not the courage to put into effect a Bill, which by its own admission, is essential for the welfare of

this province. We are keenly disappointed at the manner in which this matter has been handled.

We, the members of Local 576, of the United Association of Journey-men Plumbers and Steamfitters, do respectfully urge that the Government fulfil its promise to the workers of this province, by introducing its promised protective legislation for labour.

Sincerely yours,

(Sgd.) J. L. Twamby,  
Sec'y Local Union 576."

EXHIBIT No. 89: Letter dated March 6, 1943, from J. C. Arnott, Recording Secretary, International Union of Operating Engineers, to Premier Conant:

"Toronto, March 6, 1943.

The Honourable G. D. Conant,  
Prime Minister of Ontario,  
Parliament Buildings,  
Queens Park, Toronto.

"Dear Sir:

Local Union No. 796 of the International Union of Operating Engineers urge upon you to implement the promises made by yourself and your Minister of Labour to introduce a collective bargaining Bill at the present session of the Legislature.

Many company fostered unions have come into being since these promises were made, with the sole aim of keeping legitimate trade unions out. This tends to create disunity among the workers. We therefore ask that company fostered unions be outlawed in any collective bargaining Bill that is introduced to the Legislature.

Yours truly,

(Sgd.) J. C. Arnott,  
Recording Secretary."

EXHIBIT No. 90: Undated mimeographed letter bearing receipt date "March 8, 1943" from Archie Donaldson, member of Local 232, United Rubber Workers of America, re collective bargaining Bill:

"Dear Sir:

As a member of Local 232, United Rubber Workers of America, I have followed with considerable interest the course being pursued by the Provincial Government with respect to the new labour Bill.



I cannot understand the failure of the Government to implement this measure at the opening of this 1943 session, particularly after the public statements made by officials of the Government. It would seem the vicious attack on labour launched by anti-labour interests is influencing the Government on this matter.

I ask you, as my representative in the House, to use your influence to see to it that the Bill is acceptable to labour and particularly that all forms of 'company union' are declared illegal under the Bill.

I will be watching the progress of the Bill very closely. The Organization is non-political, but we believe in supporting people who support labour. If it is your desire to have the support of myself and others in this Organization in future elections, you could signify it by openly supporting a Bill that will incorporate in it the real desires of organized labour.

Yours truly,

(Sgd.) Archie Donaldson."

MR. FURLONG: Then here is a letter written to the Evening Telegram and the Toronto Daily Star by The De Havilland Aircraft of Canada, Limited, and I think it is important that this letter be given publicity because it states:

"THE DE HAVILLAND AIRCRAFT OF CANADA, LTD.

Toronto, March 5, 1943.

The Editor,  
The Evening Telegram,  
Bay Street,  
Toronto, Ont.

Dear Sir:

In several editions of yesterday's Evening Telegram there appeared a report of the proceedings of the Select Committee on collective bargaining. This report referred to a written statement of Mr. Cummings, Assistant Security Officer of this Company.

Although Mr. Cummings stated that the views expressed were personal, the headlines might give the impression that his views were shared by the Management of this Company. We should like to dissociate ourselves entirely from this statement of Mr. Cummings as it in no way represents our opinions, nor does it give a true description of the conditions existing within this plant.

The Management of this Company has no quarrel with organized labour and will most willingly co-operate with any body of organized labour elected by our employees to represent them. It is proposed to hold a vote to determine this representation during this month and the Management is most

anxious to avoid showing any preference for any particular organization. We, therefore, consider the statement of Mr. Cummings very harmful.

Yours faithfully,

(Sgd.) P. C. Garratt,  
Managing Director."

EXHIBIT NO. 91: Letter dated March 5, 1943, from P. C. Garratt, Managing Director, De Havilland Aircraft of Canada, Limited, addressed to the editors of The Evening Telegram and The Toronto Daily Star, re written statement of Mr. Cummings, Assistant Security Officer of De Havilland Aircraft of Canada, Limited.

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MR. FURLONG: Mr. Chairman, Mr. Stephen Fitzpatrick desires to address us this morning. He assures me he will be very brief.

THE CHAIRMAN: Very well.

STEPHEN FITZPATRICK, sworn. Examined by MR. FURLONG:

Q. What organization are you with?

A. Officially I represent no organization.

Q. Are you speaking on behalf of yourself?

A. From knowledge.

Q. Where do you live?

A. At Hamilton, Ontario.

Q. Are you a member of the Union?

A. No.

Q. Where do you work?

A. The Steel Company of Canada.

Q. Proceed, please?

A. Actually I wanted to say a good word for the successful functioning works' council. Yesterday Mr. McClure, in evidence, made certain assertions about the works' council of the Steel Company of Canada. Many of these assertions made by Mr. McClure were definitely erroneous. I will not go into detail to give you the history, as he did—that is, his version of the history—of the works' council, but I want to deal with one matter that he mentioned which

was definitely untrue or at least it was meant to give us a false idea. He claimed that his union, Local 1005, constituted a definite majority. I think you will find that in the evidence.

THE CHAIRMAN: Q. I do not think he said that?

A. He said that, sir.

MR. FURLONG: Q. He said he thought they had a majority; they had no vote taken.

A. I understood him to make the definite assertion that they had a majority. However, I will state that at no time, and I know this to be the fact, has Local 1005 ever had a majority of organized paid-up membership in that plant, never at any time.

THE CHAIRMAN: Q. How do you know?

A. Mr. Chairman, I am in a particularly fortunate position to know because I had six years as representative on the works' council. I think I can say that I have a wider knowledge and more workmen confide in me than possibly any other man in that plant.

MR. NEWLANDS: Q. Is it not true that when a vote was taken to elect the works' council eight out of eleven were members of the C.I.O.?

A. Yes, that is quite true. I will deal with that. I have stated that they definitely had a majority.

THE CHAIRMAN: Q. How do you know?

A. As I have said, I have had an opportunity to get around among the men such as very few men have. In a sense, as a representative, I have built up a confidence among the workers, and I was re-elected for six years, which would indicate that a considerable body of the workers in that plant had confidence in my integrity and to a certain extent in my ability. I just wanted to make that assertion in rebuttal, to show that Mr. McClure's assumption that he has a majority in that plant cannot be taken seriously.

Q. You have not given us any evidence yet in support of your assertion that he has not got a majority in that plant?

A. A pretty fair assumption could be built up to show that he has not a majority. The law states, I think, that any organization that can show 51 per cent of paid-up membership have only to go to Ottawa and show their membership ledger, and in a very short time a vote will be taken in that particular plant. That has been done before, and I think that these locals would not have to go to all this trouble to make all these assertions and claims of majorities under these circumstances if in reality they had a majority. If they had a majority the past record shows that all they have to do is lay that fact before the Minister or his Department, and automatically they are granted a board.



MR. NEWLANDS: Q. What benefits do the employees receive through the works' council of the Steel Company of Canada plant at Hamilton?

A. I will go into that in a moment, sir. I really do not want to take up too much of your time. At the moment I would like to deal with company unions.

In the representations that have been made to this Committee they contain the bald statement—I refer to organized labour and particularly one organization namely, the C.I.O.—that company unions should be outlawed. Now, they do not give any concrete reasons why company unions should be outlawed. The Minister of Labour has defined what company unions in his estimation mean, namely, organizations that are directly or indirectly dominated by company officials. That may be a good definition. There is, however, another definition attached to the term “company union” which is not generally defined, and that is the aspect I want to deal with just for a moment.

If we search for the origin of the term “company union” it will be found, I think, that it did not come from ordinary workers; the term did not originate among the ordinary rank and file of workers. And it certainly did not originate with politicians. I think it is not hard to make a case that it originated with the individuals who are most interested in having this term publicized to the world in the sense that when “company union” is mentioned one puts his hand to one's nose, indicating that it stinks! That is the impression they tried to convey.

Now, generally the average labour union leader characterizes company unions as being ineffective. He tries to lead us to believe that there are avenues of action available to legitimate unions that are not available to so-called company unions. As I have said, I have had six years in which to see this thing scientifically worked out, and I want to say, Mr. Chairman, that there is no avenue of action available to a legitimate union that is not available to a so-called company union. When the labour leaders speak in this sense they mean that workers have not the right to strike. That is pure imagination. I know by experience that as to any request or demand that the workers of the Steel Company of Canada (Hamilton) made to their management that they thought inwardly was of sufficient merit to go to bat on, nothing ever stopped them from walking out if it was necessary. There were no shackles on them, no padlocks, no manacles; it was up to themselves whether they walked out or not. Shortly I will come to why they did not walk out.

Now, there is another aspect. If they cannot make that angle stand up with the average worker they take this angle: “Oh, yes, but the quality of representation you get does not compare with organized union leadership.” I would like to tell this Committee with all deference that I think our council, which has been in for nine years and which has had quite a few representatives during that period, including union-minded representatives and non-union-minded representatives, were well able to hold their own with any outside leadership that could be brought forward. In fact, the works' council leadership was good compared with the two major competitors of the Steel Company of Canada, namely, Sault Ste. Marie and Sydney, N.S., in spite of the fact that the workers in those plants had and have had for eight or nine years the best outside representation, in their own estimation, that it was possible to procure, because they

never were able to equal the concessions record that we made with the despised company union. I would also like to state that each year—for nine years we had ten representatives and at the present time they have eleven—we always had a minority of two to four union-minded members who automatically, as soon as they were elected to the works' council, conceived the idea—I think it was inspired; in fact, I know it was inspired—that at all costs they must do everything in their power to see that this works' council did not work in the interests of the men. This has happened year after year.

THE CHAIRMAN: Q. They wanted to see the workers down-trodden and abused?

A. Not necessarily; but if temporarily a condition of dissatisfaction could be created in the minds of the majority of the workers in the plant which would cause them to switch their allegiance in that plant to the C.I.O. union, that was desirable from their point of view.

Now, there are one or two suggestions I would like to make. First, it is quite possible that there will be some change in the present legislation, although we do not know to what extent, and I would like to have the Committee consider, in this new legislation, if it is new, whether or not the independent workers who have independent ideas in every plant should be given ample time, in the event that a vote is decided on in any particular plant, to publicize their viewpoint to the world. We know that any organization that specifically makes a business of organizing has considerable advantages over ordinary workers in a plant, from the angle of publicization, because they have funds to start off with, and there are certain other aspects that render it easy for the union to publicize its case and make it difficult for the ordinary workers in a plant to determine what to do; but I would ask the Committee to include a clause in the new legislation that would ensure the minority a decent, reasonable chance and opportunity to publicize their case before a vote is taken.

MR. A. A. MACLEOD (Newspaper Guild): When you say your plant council has not had an opportunity to make its position known to the world, I think you will admit that the \$10,000, \$15,000 or \$20,000 spent by the Steel Company of Canada to publicize your views through the press of Canada would give you a decided advantage over the legitimate union, as you call it?

WITNESS: I will come to that in a moment. I feel that this suggestion is important, Mr. Chairman, that in the new legislation there should be a clause stipulating that union leaders before they approach any prospect in a factory with a view to organizing him should make available to him the membership ledger. Too many workers have been sold, to their sorrow, on this proposition. When an organization has fifty members they have full licence—poetic licence, I call it—to tell the world they have 1,000, or if 1,500 would sound better, to say they have 1,500; and the first thing you know you have a psychological condition spreading throughout the plant because one worker will say: "Gee, they have 1,000 members!" I happen to know they have not 1,000, and that it is a case of the active members of this minority putting over the message.

MR. HAGEY: Q. Would not the prospective member have the right to learn what the actual membership was before he joined the organization?

A. I insist that in the new legislation it would be quite possible to have a clause inserted giving a new member the right, if he desired to exercise it, to see the membership ledger. I submit that the Legislature should make it mandatory that the leaders of organization should show their membership ledgers if demanded.

THE CHAIRMAN: Q. Do you want the Committee to recommend to the Legislature a law that would stop people from lying about or exaggerating the merits of their own organization? That would be utterly impossible. You might as well try to apply that principle in a political campaign. (Laughter.)

A. Mr. Chairman, I understand that the new legislation which the Committee contemplates was designed to clarify and clean up many of the abuses on both sides of the picture, capital and labour. When I put forward this proposition I am not trying to put labour leaders out of commission. After all, I have enough understanding of democracy to know that if I put them out of business finally it is only a matter of time until I go out of business. I understand that well.

Now, I will come to my friend (Mr. Macleod). He made the assertion or allusion that we had ample opportunity to publicize our case. I want to tell you the circumstances under which we publicized our case. I think the advertisement went in on the 23rd January.

Q. Have you a copy of the advertisement here?

A. No; you had it last night, sir.

Q. Yes, but unfortunately the reporter took it away to incorporate it in his transcript?

A. Well, you know that the Sault Ste. Marie plant were on strike and a vote was taken by the local of the Steel Company of Canada, that is the U.S.A. local, and less than 300 members attended that meeting.

Q. What is the "U.S.A."?

A. The United Steelworkers of America (C.I.O.); that is its new name. It was publicized to the world that 95 per cent of the attendance at that particular meeting had voted to strike, and that they intended to take appropriate action.

MR. HABEL: Q. They meant 95 per cent of those 300 workers, and tried to create the impression that 95 per cent of the whole workers had voted?

A. Yes, that they were speaking for the whole of the workers of the Steel Company of Canada. As I have told you before, I had six years' experience on that council, and I have an understanding of the workers in that plant from the standpoint of confidence and integrity, and I say I have a greater following in that plant than any other man in the plant; and when I say that I am not saying it as a matter of ego, because it is a fact.



THE CHAIRMAN: Q. Are you sure these fellows do not indulge in a little white fibbing?

A. Well, they indulge in a little poetic licence.

Q. They all tell us how they are going to vote for us?

A. However, in the week that this strike was on at Sault Ste. Marie they publicized to the world that they had overwhelmingly voted to strike. I was going to say that I have a pretty fair sense of the men's opinion in our plant, because automatically they come to me like the tentacles of a jelly-fish—either they come in or go out—and I sensed for the first time in nine years that here was a condition that had developed overnight that could lead to serious consequences. Dozens of individuals came to me during that week, some union members amongst them, and asked: "Gee whiz, Fitz., I hope nothing happens." I said: "Why are you worrying? You are in the union." and I was answered: "Yes, but I did not think there was going to be a strike. If anything happens, I will be flat on my can." Those were the actual words. That was a condition of fear. I knew that 75 per cent at least of the men in that plant did not want any part of the strike. I knew that something would have to be done. I had been approached by dozens of members from all through the plant during that week. I automatically got busy and approached a few intelligent men in the plant and talked it over with them, and then we went and canvassed quite a few of the men here and there, and with the hangers-on of the groups it was quite evident that we would be in order to do something to combat the possibility of a strike.

Now, Mr. Chairman, when I say it was based on fear I want to show you what fear really means. The majority of these men felt that if there was a determined minority of 300 men standing at the top of that lane on Monday morning: "Jees, I won't be able to go through that!" Actually what these men wanted was somebody to clarify their opinions and thoughts and express their views. We took that course. As you know, we brought out that advertisement.

Q. I wish you would clarify that statement: "... we brought out that advertisement," because Mr. MacLeod in making a statement as if he were putting a question said you had a chance, and when I say *you* I mean the plant council, to air your views, because the company paid out about \$20,000 in advertising. I saw that advertisement for the first time last night and saw it was signed by some of the independent majority of the committee. There was also a letter included signed by Mr. R. H. McMaster, the President of the Steel Company of Canada, stating that the company did not pay for the advertisement and knew nothing about it until it was published. Is that true?

A. That is true. We got out the original advertisement and stated that we were paying for it out of our own pockets, and we paid for it.

Q. How much did it cost?

A. \$185.

A VOICE (in the audience): In every paper in Canada?

WITNESS: No; don't get me wrong, friend. We got out the original, the half page, and it cost \$185.

MR. FURLONG: Q. In what paper did you publish your advertisement?

A. In the Hamilton Spectator; and we were not fooling when we said we were paying for it ourselves, because we have the actual receipts spread over several hundred members for five cents, ten cents and fifteen cents to prove that the workers paid for it, and not the company.

Now, if through what we might term—no, that would hardly fit it—if it so happened that something we had originated came to the knowledge of the president of a huge company such as the Steel Company of Canada and he saw fit to publicize it off his own bat, that had nothing to do with us.

A VOICE (from the audience): Didn't you have to authorize it?

THE CHAIRMAN: Then I was misled, because I saw a big page on one side of which was a letter signed by Mr. R. H. McMaster, the President—I did not have time to study it carefully—saying that the management of the company had no knowledge of the advertisement until it appeared, and I had the impression that your plant council paid for the whole page?

A. Mr. McMaster was perfectly honest when he said in that letter that he had no knowledge of the original. He was publicizing the original apparently because to a certain extent it expressed his views, I will not say accidentally or otherwise, and he stipulated in the letter that he was particularly proud in a time like this that there were workers in his company who could come forward voluntarily and take this position.

MR. MACLEOD: Q. Did you draft the original advertisement yourself?

A. No; a few of us drafted that. I will answer any reasonable question, gentlemen.

MR. FURLONG: I think you have made your point quite clear.

A. Thank you. Is there anything else anybody wants to ask me?

VOICES (in the audience): No! No!

Witness withdrew.

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MR. FURLONG: Mr. Duckworth, I understand you desire to introduce a representative of the United Electrical, Radio and Machine Workers of America?

MR. DUCKWORTH: Yes, sir. Mr. Chairman and members of the Committee, I wish to introduce to you Mr. Harry Peace, of Local 516 of the United Electrical, Radio and Machine Workers of America, who wishes to make some statements before this Committee.

MR. CHAIRMAN: We are sorry you are not on the Committee, Mr. Duckworth.

MR. GARDHOUSE: Is that the only organization you represent, Mr. Duckworth?

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HARRY PEACE, sworn. Examined by MR. FURLONG:

Q. What position do you hold with the United Electrical, Radio and Machine Workers of America?

A. I am the president of Local 516, a composite local covering at the present time four plants in Toronto.

Q. And how many members have you?

A. There are approximately 1,300 members in our plant.

Q. Proceed to make your statement, please.

A. Thank you.

The local I represent covers the Ward Street and Royce Avenue branches of the Canadian General Electric Company, and also the Precision Dies & Castings Company on St. Helens, which is a small company, and the Thor Washing Machine Company.

Our vice-president in Canada, Mr. C. S. Jackson, presented a brief to this Committee, and I would like to bring to you in the flesh some of the things that probably Mr. Jackson has pointed out in the brief, and to emphasize some of the points we have already mentioned in connection with the legislation which we anticipate will be brought in. One of the points is the question of compulsion to recognize the union of the employees' choice. Collective bargaining to us means an opportunity to sit down with the management and discuss hours of labour, wages and working conditions in the plant, so that we can both come to an agreement without any strife and without any hard feelings on either side. We feel it is necessary to have compulsion in view of the fact that already in Canada a number of strikes have been caused by the refusal of management to grant this recognition, in spite of the fact that proof has been furnished that the union had a majority, as in our case in the General Electric plant. A year and a half ago we definitely proved that we had a majority by staging a holiday, and the company still refused to recognize the employees' union which we had overwhelmingly demonstrated represented a majority of the employees in the plant.

I have here a copy of an agreement between the General Electric Company and the United Electrical, Radio and Machine Workers of America which is in existence at the present time in the United States. Our union there covers approximately 100,000 General Electric workers, and it is recognized as the sole collective bargaining agency for those workers. This agreement covers 98 per cent of the General Electric workers in the United States. We fail to under-



stand why the General Electric Company in Canada, which is owned practically body and soul by shareholders in the United States—95 per cent of the shares of the Canadian General Electric Company are controlled by United States shareholders—does not recognize the same union in Canada as represents the workers in the United States provided that we show a majority. And we believe we definitely showed a majority during our last little fracas with the company.

At the present time we are negotiating with the Genelco plant in Peterborough. We won an overwhelming vote there, about 1,100 voting for the United Electrical, Radio and Machine Workers of America and, I think, 300—perhaps I am being a little generous in saying 300—voting for the united plant council, or whatever they call it. I heard the former speaker here (Mr. Fitzpatrick) pointing out the merits of a company union or plant council, and it is interesting to note that we have run into the same thing in the Canadian General Electric Company. That is another point I would like to make, that plant councils should be outlawed.

In our plant in 1937 the United Electrical, Radio and Machine Workers of America first became active on the request of Canadian workers for such an organization. As a matter of fact, the sweepers first decided that we needed a union, because they were underpaid as well as the rest of the workers in the plant, and they went to the labour halls and asked if they could have a union in our plant. We managed to get some assistance from the different labour councils in Toronto, and finally the United Electrical, Radio and Machine Workers of America took over the job of assisting us in organizing the Canadian General Electric plant here. At that time there was no plant council in the shop, and conditions were depressed. Wages were fairly low. We did not receive holidays with pay; we did not have rest periods; there were no truckers on the floor, and you had to do your own trucking; if you are working on a piecework basis you have to knock off piecework and do your own trucking, which means that your wages are reduced a certain amount and it vitally affects the amount you take home at the end of the week.

Since the brothers and sisters in the plant decided they wanted a legitimate union a plant council has been set up—not until last year in our shop—and they established a social club and a number of other things to keep the fellows and girls occupied. Also a number of concessions were made in so far as wage increases are concerned, and in 1937 for the first time we received holidays with pay. Last year we were successful in negotiating two weeks' holidays with pay for those employees with five years' service, and one week's holiday with pay for those with two years' service.

THE CHAIRMAN: Having said that the management would not recognize your union, what do you mean when you say you were successful in negotiating holidays with pay?

A. After a holiday a year ago we asked for a conciliation board and managed to get it. Brother George Harris, the district secretary, and one of the brothers from the Davenport Canadian General Electric plant and myself sat down with Mr. Turner, vice-president of the Canadian General Electric Company, Mr. Corkery, the manager of the Ward Street plant and now the manager of the Davenport and Royce Avenue plants, Mr. White, then manager of the

Davenport plant, and also Mr. Flood, the personnel manager of the Canadian General Electric Company, and we negotiated an agreement right up to the point where it came to union recognition. This point went to the conciliation board for decision. The conciliation board brought in a recommendation two to one—there was a minority report—and the majority report said that the Canadian General Electric Company should recognize Local 507—I was in Local 507 at that time—as the bargaining agency for the Davenport plant at least. As to the Ward Street plant it was not as clear, and we were willing to concede that fact in view of the fact that we had not voted for the Ward Street plant alone; but we were willing to take a vote for both plants if they would give it to us, and the majority would decide whether Local 507 would be recognized or not.

When it came to this point the company refused to recognize Local 507 as the collective bargaining agency, and instead set up a general committee. Then a vote was taken in the plant to determine the representative for the general committee, but we were not permitted to take a vote to ascertain whether or not the employees wanted to be represented by the United Electrical, Radio and Machine Workers of America. It was a question of taking the general committee or else let a bunch of company stooges get on it and run the thing themselves. Rather than do that we have been on the general committee and have been trying to make the thing function. The leadership on this committee has definitely proven itself to be ineffective, and if it were not for the guidance and assistance of fellows like Brother Jackson we do not believe we would get anywhere with such a general committee. In fact, we know we would not.

When the company talks about wanting to deal only with their own employees it is interesting to note that when they run into any trouble in the plant they seek outside assistance. We have an enamel room in our shop, and if we have any trouble there the company does not hesitate to bring in an experienced representative on that type of work from the United States who can diagnose the trouble for us and clean it up as quickly as possible and with as little waste as possible; and therefore we do not see any reason why the employees should not have the same right to bring in people, even from the United States, if necessary, or at least to secure guidance for our leadership from the international office in New York City, who have been dealing with the company for the past six or seven years. Why should we deny ourselves the benefit of their experience? When they say: "There is no need to go outside the plant" that is all right for them, but we feel there is a need; and we want it guaranteed by law that we have the right to bring in a representative who has had this experience to pass it on to us.

It is also interesting to note that the—I was going to say "brother"—man who spoke before me said there was a certain amount of fear in the minds of union members who came to him and asked him, "What are we going to do? We do not want a strike in this plant." It so happens that the United Steelworkers of America is similar in that respect to our own union: the workers in the shop are the people who make the decisions for that shop. There is no question of Mr. Jackson coming into our meeting and saying: "Well, boys, we will have to cook up a little strike in order to get anything here." The organizer can write down the programme for the union, but it is up to the general membership of the union, who are comprised of the workers in that plant affected and who are considering the matter in dispute, to say the last word on the question.

There is no question of anybody saying: "I am afraid we are going to have a strike." If a man is on his toes he will get up and say: "Look, fellows, strike is out as far as I am concerned, and I am going around to convince everybody in my area and in the rest of the plant that we do not want a strike"; and if the majority say they do not, that settles it. I do not think anybody objects to campaigning against one between elections, but once the thing is settled we have to abide by the majority. This Liberal Government said they should be in power in Ontario, and the King Government said they should be in power in the Dominion, and there is no reflection on the Liberals because they are not doing a bad job—provided they bring in this Bill! (Laughter.)

MR. HABEL: Q. And some beer?

A. Yes, brother, beer! It is the same in an election, if you don't get out and find out what the candidates stand for and study their background, and they happen to slip in a punk government, that is your funeral. If you permit a government to get into power that is not responsible to the people and is not doing a good job for you, still you have to abide by the majority decision. That is democracy. Unfortunately there are people not on their toes all the time, and so we get the odd government like that in power.

MR. NEWLANDS: Q. Not in the last seven or eight years?

A. You cannot quote me!

What I am trying to establish, gentlemen, is that the decision rests with the workers in the plant affected. It is up to everybody in the plant to make the decision. I have noted in the paper a great deal of talk about if this bargaining Bill comes in everybody is going to be forced to join a union. That is not true. In this agreement I have mentioned there is a clause on discrimination and coercion which I will read, with your permission:

"Agreement entered into this first day of April, 1942, between the General Electric Company, hereinafter referred to as the Company, and the United Electrical, Radio and Machine Workers of America, in conjunction with its affiliated General Electric Locals, hereinafter referred to as the Union."

Then Article IV, headed "Discrimination and Coercion", reads:

1. There shall be no discrimination by foremen, superintendents, or other agents of the Company at any plant of the Company, against any employee because of the employee's membership in the Union.
2. The Union agrees that neither its officers nor its members, nor persons employed directly or indirectly by the Union, will intimidate or coerce employees; nor will it solicit members on Company time."

MR. FURLONG: May we have that copy of the Agreement?

A. Yes.



EXHIBIT No. 92: Agreement dated April 1, 1942, between General Electric Company and United Electrical, Radio and Machine Workers of America.

This is the agreement which is in existence at the present time in the United States. There is no question of forcing people to join a union. This law will guarantee the right of those who want a union to represent them to be recognized by the company, and we are asking that we be given the right to have the company recognize us when we prove that we have a majority; we ask that the company be compelled to sit in and recognize us.

I have heard something said about the salaries of union officials. I am president of Local 516, and I receive no wages, and neither does any officer of our local. The only people who receive wages are the full-time men such as brother Jackson, brother Harris and the district officers; and their wages are put in a financial statement quarterly, which statement is sent out to each local, and each union member has the right to look at the financial statement. The same is true with regard to the United Electrical, Radio and Machine Workers International office in New York. Every month a statement comes out showing the amount of dues collected, the number of initiations, and where every cent of that money goes, right down to postage stamps. So there is no question of anybody making exorbitant salaries or booking in expenses that are not legitimate. This is workers' money that these people are handling, and when you are handling workers' money you are a darned sight more careful with it than you are with your own. I think that is all, gentlemen.

MR. FURLONG: Q. Mr. Jackson went over your case very thoroughly the other day, so I do not think the Committee needs to ask you any questions.

A. Thank you.

Witness withdrew. (Prolonged applause from the audience.)

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MR. FURLONG: The next order of business, Mr. Chairman, is the United Gas, Coke & Chemical Workers of America, represented by Mr. William Edmiston.

WILLIAM EDMISTON, sworn. Examined by MR. FURLONG:

Q. Mr. Edmiston, you represent the United Gas, Coke & Chemical Workers of America?

A. Yes, sir.

Q. At what place?

A. In Ontario; we have organizations in Niagara Falls and in Toronto.

Q. Do you live in Niagara Falls?

A. I live in Toronto.

Q. What position do you hold in regard to that union?

A. Regional director.

Q. How many locals have they under their wing?

A. We have at the moment four locals in Niagara Falls and one in Toronto.

Q. And how many members?

A. About 4,000, all told.

Q. In Ontario?

A. Yes.

Q. Proceed with the statement you wish to make?

A. Thank you.

THE CHAIRMAN: Q. What is the name of the union you represent?

A. The United Gas, Coke & Chemical Workers of America, a C.I.O. international union formed only last September. Since last September we have formed four local unions in Niagara Falls and one in Toronto with at least 4,000 members. In Niagara Falls we have local unions, but no agreements.

In the case of the Norton Abrasive Company, over 90 per cent of the members signed—it is a purely American company, and we have no agreement, nor have we had any negotiations to date.

Q. You could not very well have an agreement without negotiations?

A. I am stating this point to show the need for a collective bargaining Bill.

In the case of the Canadian Carborundum Company we have also 80 per cent signed members, taking in all eligible employees. That is another American company which, across the river, has an agreement, but we have not entered into negotiations with them in Canada.

MR. ANDERSON: Q. Have you attempted to enter into negotiations with that company?

A. Yes.

Q. What percentage of the employees do you say are organized?

A. Over 80 per cent signed members.

THE CHAIRMAN: Q. Did you ask for an agreement?

A. Yes, for some considerable time. All the letters we write and the applications we make go first of all to the parent body in the United States before we receive replies.

In the case of the Burgess Battery Company's plant at Niagara Falls we have an application in for a board of conciliation. Approximately 200 employees were laid off, dismissed, we believe, in retaliation for joining the union. We made an application for a board, and the answer to our application came from a firm of lawyers in Chicago.

MR. HAGEY: That is an insult. The answer to your application should at least have come from a firm of lawyers in Ontario.

WITNESS: In the case of the Welland Chemical plant, which is a Crown company, we also have a majority, around 70 per cent of eligible workers, signed as members.

THE CHAIRMAN: Q. How do you determine those percentages?

A. We know the number of employees, and we have the signed cards which can be laid on the table at any time.

Q. Paid-up?

A. Paid-up.

MR. ANDERSON: Q. How many employees are there in the Welland Chemical Company?

A. There are approximately 1,350 eligible to join the union.

Now, gentlemen, we have a short brief drawn up by a committee of citizens, not the union, and I would like to have that brief presented by Mr. Thomas Robb, who is an ex-service man. I believe the brief will cover many of these points, and if you require any additional information I shall be glad to give it if I can.

THE CHAIRMAN: Very well.

Witness withdrew.

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THOMAS ROBB, sworn.

THE CHAIRMAN: Proceed, please.

WITNESS: I hand you a copy of the brief and also a folder containing the testimony of the people in the Niagara area with regard to collective bargaining.



EXHIBIT No. 93: Petition to the Ontario Government for the enactment of a Labour Bill, signed by a committee of citizens of the Niagara Falls area:

"PETITION TO THE ONTARIO GOVERNMENT FOR THE ENACTMENT OF  
LABOUR BILL

We, the undersigned citizens of Niagara Falls area respectfully and vigorously demand that the promises made by the Ontario Government be kept, and that a Provincial Labour Bill guaranteeing Labour's Rights of Collective Bargaining and Trade Union Organization be introduced and enacted at this Session of the Ontario Legislature.

We insist that this is absolutely essential so that Labour-Management relations will be improved through the democratic machinery and procedures of such a Bill, and furthermore, we believe that Ontario Labour is entitled to such a Bill. We earnestly appeal to the Ontario Government to enact this Bill, despite the efforts of the anti-war and anti-labour forces to scuttle it, and we re-emphasize our conviction that now is the time for all-out labour management-government co-operation so that there will be a plentiful supply of the weapons of war to ensure Victory for the United Nations in 1943.

Sponsored by Committee to Secure Labour Legislation."

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Examined by MR. FURLONG:

Q. What position, if any, do you hold with this union?

A. None, sir

Q. You have been selected by a delegation of citizens, is that it?

A. I was selected at an open meeting of the citizens as an ex-service man to come forward and make my presentation. I am a union member, but not of any of the unions referred to in this brief.

THE CHAIRMAN: Q. You refer to the citizens of which city?

A. In the Niagara area, covering as far up as Grimsby.

Q. Including Hamilton?

A. No, sir.

MR. ANDERSON: Q. Including St. Catharines?

A. Yes.

Q. The counties of Welland and Lincoln generally?

A. Yes, practically speaking.

THE CHAIRMAN: Proceed.

WITNESS:

"March 10, 1943.

Gentlemen:

This delegation which is privileged to present the points of view of the working people of the Niagara Falls area to the Collective Bargaining Committee here to-day is a very representative one.

Not only are the trade unions represented, but as shown by the attached list, farmers, civic and township bodies, churches and political parties desire through this brief to give sound reason why a Bill to protect the democratic rights of labour unions should be enacted by the Provincial Government now.

The Niagara Falls area is truly a good example of why collective bargaining should be mandatory when the majority of the employees in a plant are members of a bona fide union.

Of the huge chemical plants in Niagara Falls, three can show a very substantial majority of workers as members in good standing in the United Gas, Coke and Chemical Workers of America, but no negotiations have to date taken place between the companies concerned and the local unions.

At the Norton Abrasive Company, where the union has over 90 per cent of the employees signed up, the management has still to meet the union committee for the first time. The same situation exists in the Canadian Carborundum factory where out of approximately 900 employees, over 750 are members of Local 162. The Welland Chemical Works, the majority of whom are members of Local 165, are in a similar plight, and since this Crown company is employing workers from every walk of life and from all parts of the Niagara Peninsula, we believe, gentlemen, that our brief should deal extensively with the situation in this plant.

The Welland Chemical Works employ approximately 1,800 men and women from towns and municipalities within a radius of twenty miles or more. Workers from as far as Grimsby, Port Colborne and Niagara-on-the-Lake drive to and from their work every day so that they can help produce the munitions of war. A considerable proportion of these workers come from the surrounding farms, especially during the winter months. On their farms they practise co-operation and democracy. This democracy and co-operation is the very foundation of their daily work and way of life. Entering our war industries they find themselves in an arbitrary atmosphere directly in opposition to their traditionally democratic way of life. The lack of democracy in war plants affects their morale and constructive initiative. Only through the passage of a genuine Labour Bill will the road be opened for utilizing, instead of outraging the constructive initiative of our farmer workers.

The same basic truth holds good for the housewives working in our war industries. They know from experience that harmonious family life is the result of co-operation and the practice of democracy, and are irked and bewildered upon entering a war industry where they find co-operation totally lacking.

We submit, gentlemen, that farmers and housewives coming under the undemocratic rule of the heads of the American Cyanamid, who administer this Crown company, are under existing conditions not allowed to produce to the best of their ability the war materials Canada and the United Nations so badly need.

Let us explain the undemocratic rule of the management of the American Cyanamid Company. Due to the lack of a collective bargaining Bill, the Cyanamid Company, in their Niagara Falls plant, knowing the United Gas, Coke and Chemical Workers had signed up several hundreds of their employees, drafted a company union agreement and coerced the members of an improvement and development committee, which operates in the plant, to sign this infamous document.

To date this agreement which was signed and then revised by the Company has not been submitted to the employees for ratification. Nor were the employees ever consulted as to whether or not they wanted this agreement or even wanted this committee to act in their behalf on such matters.

The same tactics as those mentioned above were used unsuccessfully by the Cyanamid appointed management of the Welland Chemical Works, and although to-day 70 per cent of the workers in the plant have chosen the C.I.O. as their bargaining agency, the manager of this Crown company has ignored the request that he meet a union committee and is still trying hard to foist his plant union upon the employees.

This dictatorial policy has resulted in a number of stoppages of work in this very important war industry.

The housewife and the farmer are not used to this treatment and on one occasion when the manager, without any warning, ruled that a number of men and women employees must work 45 minutes longer than they had been working, and for the same amount of pay, a whole department stopped work. Lacking a collective bargaining agency to provide grievance machinery, this department was idle for several hours.

In the Burgess Battery Company plant a war order for tens of thousands of badly needed batteries was lost because of labour friction, which would not have existed if we had had a proper Labour Bill.

We feel it is of the utmost importance in our fight for democracy, that protection under the law be afforded to the workers employed by such a company.

The citizens of Niagara Falls area insist that if a company was compelled by law to bargain collectively with the union chosen by the majority



of the employees to represent them in negotiating a contract, much valuable time would be saved and that with better labour-management relationship, production would soar to new heights. We submit that the working people of Ontario are entitled to a Collective Bargaining Bill. We believe the Provincial Government should without delay enact such a Bill as has been proposed by the Canadian Congress of Labour delegation, a Bill which would prohibit the foisting of company unions upon the workers, and which would force the anti-labour employer to bargain collectively with the union chosen by his workers as their bargaining agency.

Better co-operation by labour-management-government in the interest of greater production can be achieved by a proper Labour Bill. Such a Bill is long overdue. We petition you, gentlemen, to recommend the enactment of a proper collective bargaining Bill without delay."

At the same meeting the chairman was requested by the general body to send a telegram to General MacNaughton assuring him that the workers of the Niagara area would supply all necessary equipment for the fight ahead of him, and that, given proper consideration by their employers, there would be no lack of any necessity in that respect so far as the employees are concerned.

MR. FURLONG: I do not think, Mr. Chairman, there is any necessity to question Mr. Robb. These points are pretty well outlined in former briefs by the heads of the C.I.O., the A.F. of L., and so on. Mr. Robb has reiterated in a very forceful manner the principles for which they stand.

WITNESS: Thank you.

MR. A. A. MACLEOD: Mr. Furlong, would you let us know the names of the organizations represented in this delegation? I believe they are listed at the back of the brief.

WITNESS: They are listed on the back page.

MR. FURLONG: They are as follows:

"Mr. R. Booth, Deputy Reeve, Stamford Township Council.  
Mr. D. Glintz, Councillor, Stamford Township Council.  
Mr. S. Corfield, Co-operative Commonwealth Federation.  
Mr. M. Mueller, Local 162, Canadian Carborundum.  
Mr. G. Knight, Brotherhood of Railway Carmen, A.F. of L.  
Mr. G. Martin, Canadian Corp.  
Rev. Stokes, United Church.  
Mr. E. Elliott, Farmer U.F.O.  
Mr. W. Galliford, Local 154, Norton Abrasive.  
Mr. T. Robb, British Imperials Association.  
Mrs. Ridley, Local Burgess Battery.  
Mr. Osborne, Printers' Guild, C.C.C. of L.  
Mr. E. Mason, Local 165, Welland Chemical Works.  
Mr. L. Mullens, Communist-Labour Total War Committee.  
Mr. Wm. Edmiston, Congress of Industrial Organization.  
Mr. B. Udell, North American Cyanamid.

And other delegates."

Witness withdrew. (Prolonged applause from audience.)

WILLIAM EDMISTON resumed the stand.

WITNESS: Mr. Chairman, there are one or two points I would like to elaborate upon. I still want to call on representatives from the Toronto Local Gas Workers, who certainly have something worth while to contribute.

I should like to stress one or two points mentioned in the brief with respect to the Niagara Falls area. One is the company union that, it was stated, has been foisted on the workers. I listened to the first speaker this morning (Mr. Fitzpatrick) advocating company unions. We have had quite a little bit of experience with company union set-ups in the Falls. In the Cyanamid Company we had already started organizing and had signed up 200 or 300 members when the company first gave the men the deadline of the 9th of the month, which was the day that the Provincial Parliament convened, on which they must have a signed contract.

THE CHAIRMAN: Q. Who must have a signed contract?

A. The company presented the contract. The men employed there did not see this contract. It was drawn up by the company.

Q. Have you a copy of that contract?

A. I have a copy of it, I believe, sir.

Q. I would like to see it.

A. It is one of the best company union agreements I have seen.

MR. ANDERSON: You are speaking now of the Cyanamid Company?

A. The North American Cyanamid Company. The officials of the company selected nine of the workers on the I. and D. Committee to come before the management.

THE CHAIRMAN: How were the nine workers selected?

A. They were on a committee for improvement and development purposes.

Q. Who set that committee up?

A. The company.

Q. Did they select nine men representing different branches of the plant?

A. Yes.

Q. They nominated them?

A. No; the average worker is quite prepared to co-operate when he can in improving or developing anything that will further the war effort.

Q. How did you get the nine men?

A. They were elected months before for this other committee, the Improvement and Development Committee.

Q. How were they elected?

A. By department representation.

Q. By secret ballot?

A. I do not suppose it was a secret ballot.

MR. FURLONG: Q. By the men?

A. Yes, by the employees.

THE CHAIRMAN: Q. You have no quarrel about the nine representatives?

A. No; not so long as they were on the Improvement and Development Committee, but the company presented those nine men with an agreement which covered all of the people in the plant and told them they had four hours in which to sign it.

Q. Can you give us the four-hour agreement?

A. I cannot give you the four-hour agreement; I can produce a member from that plant who can speak on that particular subject. We have a representative here to-day.

MR. HABEL: Q. Was he on the committee that sat with the employers?

A. I could not say for sure. I will leave that to the gentleman himself if you wish to hear him. They gave them four hours in which to sign, and at the end of four hours these nine men signed this agreement.

THE CHAIRMAN: Q. And they did not have time to consult the employees?

A. No; they did not have time to consult anybody. They simply signed because they were afraid of their jobs in the company.

MR. HAGEY: Q. They had no authority to sign?

A. No; they had no authority to sign. This agreement was then placed on the notice board of the plant with a statement saying that on a certain date it would be revised. The company did not like some of the clauses in that agreement; I guess they were too favourable to the men, and the company wished to revise them.

Q. The company drew the agreement themselves and did not like it?

A. Yes, it was too democratic.



MR. NEWLANDS: Q. They drew it themselves?

A. They did. This committee has met since, sir, to revise this agreement, and I understand that to date no person outside of those nine men has been consulted as to whether or not this agreement is suitable and acceptable, or whether or not the men even want it.

MR. NEWLANDS: Q. After it was posted up on the board all the employees in the plant had an opportunity of reading that notice?

A. Yes; but they had no opportunity of reading whether or not they liked it after they had read it.

Q. They could have called a meeting?

A. They could; but they had no means of calling a meeting. I have called several meetings since, and have had expressions of opinion from those same men.

I would like at this time to mention that the first speaker stressed the fact that you must show 51 per cent of your membership in order to get a vote. Now, if at the moment a vote was called at that plant we could win it, but we could not show 51 per cent signed members because we only started in organizing three weeks or a month ago. Therefore I am not altogether in favour of having to show 51 per cent in order to get that vote.

The Welland Chemical Works, which comes directly under the control of the Cyanamid Company, is a Crown company—the United Nations have put up the money for that company, but it comes directly under the control of the North American Cyanamid Company—and exactly the same tactics have been tried in that plant for the past number of months; but the first meeting the management ever called in order to try to set up a company union lasted three minutes, when the management were actually booed out of that hall within the company's plant. The men working in that plant would not accept the company union.

MR. FURLONG: Q. How many employees are there in the Welland Chemical Works?

A. About 1,350 eligible for membership; they employ altogether about 1,800.

Q. When did you start organizing?

A. About the 15th December.

Q. Then you admit you have not a majority?

A. I have, in there.

Q. You have, there?

A. Yes, definitely; in the North American Cyanamid Company I only started about a month ago to organize.

MR. ANDERSON: Q. When did the Welland Chemical Works go into production?

A. About two years ago.

The Burgess Battery plant is a very sore point down there. In that case the country lost hundreds of thousands of batteries, one order being for at least 190,000 batteries which could not be filled because an unorganized group stopped work for less than half a day.

THE CHAIRMAN: Q. That is mentioned in the brief?

Q. Yes.

Q. A number of employees were asked to work forty-five minutes overtime?

A. Yes, and 200 employees were laid off entirely. Since that time there are at least 150 unemployed women around Niagara Falls who cannot find work, although we need them so badly in industry, due to the fact that there is no recourse to the law in that particular case; the employees who were not organized had no recourse except to stop work in order to try to gain some of the concessions we had asked for. The result is that there are 200 unemployed.

I would like to call upon the president of Local 30 of the Gas Workers in Toronto, who could give you further information which I think you gentlemen should have.

THE CHAIRMAN: Very well.

MR. HENRY LEACH (President of Local 30, District 11, United Gas, Coke & Chemical Workers of America):

Mr. Chairman, I would like the secretary to read the petition first.

THE CHAIRMAN: Very well.

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THEODORE EMES, sworn.

WITNESS: Mr. Chairman and gentlemen of the Committee, this is a petition put through by the employees of The Consumers' Gas Company, Local 30 of the United Gas, Coke and Chemical Workers of America (C.I.O.). It reads:

"UNITED GAS, COKE AND CHEMICAL WORKERS OF AMERICA (C.I.O).  
Local 30, District 11

81½ Queen Street East, Toronto, Ontario.

Telephone AD. 5502

Submission to the Hon. Peter Heenan, Minister of Labour, and  
to the Ontario Provincial Government and Legislature;

## REGARDING THE ONTARIO LABOUR BILL

Hon. Sirs:

The officers and members of the above mentioned bona fide union are disturbed and alarmed over rumours and press stories hinting that the Ontario Labour Bill which was pledged by our Government is in danger.

We contend that the enactment of the proposed Heenan Labour Bill, providing for genuine collective bargaining and the speedy arbitration of industrial disputes, would immeasurably aid the Provincial war effort. In our opinion, such a Labour Bill would give a real foundation for the kind of co-operative labour-employer relations needed for the successful prosecution of the war.

Our nation has been warned by Premier King that soon our armed forces will be crossing the Channel to invade Europe. The Casablanca Unconditional Surrender Conference laid down the plans for this. The great task of all workers and employers now is to produce to the maximum for the offensive.

Local 30 of the U.G.C.C.W.A. is composed of men and women who are doing very vital war work, producing and distributing gas for industrial and domestic use. Our product is used in all the main war plants. We would like to see legislation passed which would do away with all labour-management troubles, strikes and slowdowns for the duration. The Heenan Labour Bill would be vital in achieving this goal.

Therefore, Hon. Sirs, we petition you, as elected representatives of the people of Ontario, to enact the Heenan Labour Bill at this session of the Ontario Legislature, and thus give an example of unity and democratic progress to all Canada and the United Nations."

We have approximately six hundred signatures to this petition.

MR. REGINALD WRIGHT (Vice-President Local 30 of United Gas, Coke and Chemical workers of America, C.I.O.):

The petition was drawn up before the Committee was selected.

EXHIBIT NO. 94: Undated petition by Local 30, District 11, United Gas, Coke and Chemical Workers of America, to the Honourable Peter Heenan, Minister of Labour.

Witness withdrew.

MR. FURLONG: Is that all now, Mr. Edmiston?

MR. EDMISTON: I would like to call upon the president of Local 30, but before he appears here I would like to make a remark with regard to the first speaker who continually referred to unions such as ours as "legitimate unions"



or the people who are "union-minded." I do not know why he said that since he was boosting company unions, but he certainly left out "union-minded" or "bona fide unions" when speaking about company unions.

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HENRY LEACH, sworn. Examined by MR. FURLONG:

Q. You are the president of what union?

A. Local 30, District 11, United Gas, Coke and Chemical Workers of America (C.I.O.); it is a local covering employees of the Consumers' Gas Company of Toronto.

I am going to be very brief because you have heard the pros and cons of this matter before. I think we, as members of the union, quite agree that there should be a law in connection with collective bargaining. We have gone through the same thing in the case of individual bargaining for years, and never got anything but fire. With collective bargaining there is a certain amount of fellowship among the workers through the union. We also feel that a collective bargaining law would be better for the war effort. A number of our members were in the last war, including myself, and we recall conditions, particularly at the commencement of the war, when we would throw a shell over and old "Fritz" threw it back at us. We did not like it very much, and used to call both the workers and manufacturers names that were not very nice, but sometimes they deserved them because we were getting knocked out every few minutes through failure to produce the goods in this country, in Great Britain and other countries.

We feel that a law of this kind will give the workers a certain amount of protection and eventually lead up to better co-operation between the company and the workers, both from the manufacturers' point of view and the point of view of the workers. That is the reason we are here to-day, to plead for this collective bargaining Bill because we think it should be passed as has been promised us several times.

The union I represent comes to a certain extent under the Dominion Industrial Disputes Investigation Act, and we think there should be a speed-up in their methods of procedure. From the 11th of November last, when we first made application for a board of conciliation, we have been going on with this, but there is no sign of a finish yet; and in that period the men have become irritable and out of sorts, and you have to use the iron fist to knock them down and keep them in their places. If the law were speeded up a bit it would get better results and keep the men more amicable and under control, and prevent friction from creeping in.

The previous speaker mentioned company unions. The objection we have to a company union, Mr. Chairman and members of the Committee, is this: When we started to form the present union the company went around and took a vote of the distribution department but did not take a vote of the men actually concerned and eligible to be in the union; they took a vote from the foremen and supervisors, who are not eligible to be in a union, and that was very detrimental

to a bona fide trade union trying to organize. Of course, the vote was overwhelmingly in favour of the union, in spite of the foremen and supervisors.

We have to get rid of the company unions. We strongly urge, Mr. Chairman and gentlemen of the Committee, that you bring in a Bill that is fair not only to the workers but to everybody, because without public support we cannot get anywhere. We have to bring in something that will suit the manufacturers, the public and the working class in general, and satisfy everybody. That is a hard thing to do, but we have to do our best.

On the evidence presented before you I hope you will be enabled to bring in something that will stop all this damnable trouble that is going on, so that when the boys come back they will thank us for having fought for them on the home front. Some of us know what happens when men come back from war. Some are selling buttons and pencils on the streets, and things like that. They should have a certain amount of protection when they come back, gentlemen. The members of our union who are in the armed forces in Great Britain are now telling the boys over there to keep on fighting because when they come back they will get a square deal.

Witness withdrew. (Prolonged applause from the audience.)

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MR. EDMISTON: Mr. Chairman, I would like to call upon the vice-president of Local 30 of the United Gas, Coke and Chemical Workers of America (C.I.O.) to appear before you because I think he has quite a valuable contribution to make to your deliberations.

MR. CHAIRMAN: Very well.

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REGINALD WRIGHT, sworn.

WITNESS: First, I would like to give a few facts regarding our Toronto Local. We have 669 members under the agreement, but we have very nearly 800 altogether.

Now, in the petition we have made quite a point of the assistance that this proposed legislation would be toward war production. Our president has stressed that point. There are a lot of people nowadays who are giving lip service to the war, and I want to show that in our case we definitely mean what we say.

I believe 15 per cent of our membership are in the armed forces. In the matter of Victory Bonds the first loan sold amongst the employees without any assistance totalled around \$8,000. We were not invited to assist. In the case of the next loan the union was invited to assist, and we pushed it up to \$60,000, and the last loan was around the same figure. In the case of the next loan we hope to go over that mark.

During the depression years, when the union was formed, we were putting out between 12,000,000 and 17,000,000 cubic feet of gas every twenty-four hours,

the average at that time being around 13,000,000. Recently we produced 25,000,000 cubic feet of gas in twenty-four hours, although there are approximately 100 less men employed at this time. This is a tremendous increase, and has taken place while we have been under agreement with the company.

A few years ago the question of "yellow dog" contracts arose. I do not know the proper name, but you will understand what I mean by that.

MR. FURLONG: Q. Yes, it has been dealt with very forcibly.

A. I will tell you our experience: About 1939 a sheet was circulated in the production department, that is the manufacturing department of the Consumers' Gas Company, by the foremen, stating that the undersigned were not connected with the union, and thanking the company for certain concessions made, such as holidays, and they stated furthermore that they were entirely satisfied. A large number signed it. It caused a great deal of resentment, and the president of the union, Mr. William Thwaite, at that time protested to the Department of Labour, and the upshot was that it was withdrawn. Mr. Tucker the general manager, stated, after the protest was made, that he did not know it was going on, and would not have signed it himself. We believe that sort of thing should be outlawed. We think the workmen should not be irritated by these things which lead to strikes.

Q. You can take it that the Committee are aware now of the wishes of the union with respect to "yellow dog" contracts?

A. That is fine. By the way, our officers are not paid either, and our union is run by our local officers. Up to last year's agreement our own officers, the workmen in the plant, negotiated the agreement; this year Mr. Edmiston, who is our international board member and who is still an employee of the company but is on leave, is assisting us; so the company is dealing with its own employees although it is an international union.

The closed shop is an angle I want to bring up here.

THE CHAIRMAN: Q. I do not think you need discuss that, because nobody has asked for it?

A. We have asked for it.

Q. You are asking for the closed shop?

A. Yes, we now have it before a conciliation board, and we can show 93 per cent signed members.

Q. The representations that have been made thus far are to the effect that they think the closed shop and check-off should be subject to negotiation between properly elected, democratically elected, representatives of the employees and the management. No one has asked for compulsory closed shop and check-off. Are you asking for a compellable check-off and closed shop?

A. With a given percentage. We have 93 per cent, and we feel that de-



finitely entitles us to a closed shop, since 93 per cent have asked for it. It is merely a case of us deciding how we are going to manage our own affairs.

Q. You are getting into something rather dangerous.

A. We also draw attention to this point, that the Dominion Government was elected with less than 50 per cent of the total vote, and yet once elected we must abide by their decision; they have a closed shop on the whole of Canada, have they not? They had less than 50 per cent, and we have 93 per cent. Furthermore, they have a check-off. Try to avoid paying your taxes, and see if you can get away with it.

Q. I may say, frankly speaking, that there is not the slightest chance of getting the closed shop, because you are the only one that has asked for it?

A. There may be others now.

Q. It would be going very far, in my opinion, to incorporate something into the law that has not been asked for except by one local union?

A. As long as we are on record as wanting that, it is a precedent that has been created. Somebody has asked for it.

MR. FURLONG: Q. I do not think anything can be done about that. There may be some provision put in an Act whereby an agreement would not be illegal by reason of providing for it?

A. That would be a help.

Q. I think that is as far as you can expect the legislation to go?

A. Even if it were recognized in law, that would be helpful.

THE CHAIRMAN: Pardon me a moment, please.

Is Mr. McArthur in the room? (No response.)

Q. Proceed, please.

A. We have trouble between union and non-union members. In one case a man by the name of William Moore struck another man who was a non-union man named Kidney, during a discussion on unionism. Moore knocked Kidney down and half an hour later he did it again, which made his case a little tough to defend. We took the matter, finally, to the Ontario Department of Labour, and Mr. Fine acted as arbitrator and directed that Mr. Moore should be put back to work. That altercation was caused purely because union and non-union men were working side by side. In our agreement we specifically agree that there shall be no discrimination between union and non-union men. This trouble was caused by the fact that this man was a non-union man. They refer to a non-union man as being as small as a hitch-hiker who will not pay for the gas. I think it is unfair that non-union men can share in all improvements in wages and conditions without paying his share of the cost.

Q. How will you overcome that feature?

A. It does cause a great deal of unrest and friction among union men who, after all, are the huge majority in this particular case. That is recognized by the company. We feel it would definitely contribute to industrial peace in plants where they have a huge majority if the closed shop could be granted on application, when the percentage is proved.

MR. HAGEY: Q. Is not that a matter of negotiation between your committee and the management?

A. Yes.

Q. You feel that it is in the best interests of peace and harmony in the plant to have the closed shop?

A. The company does not agree with us there. Coming under the Industrial Disputes Investigation Act at this time, we feel quite strong enough to enforce this by strike action, but we do not dare; the law would permit us after the findings of a board, but the leadership of this union would never agree to strike during wartime. We feel advantage is being taken of that fact, and that even in peacetime those industries coming under the Industrial Disputes Investigation Act have so many limitations placed on them that such industries at least should be granted closed shop on showing proper percentage.

THE CHAIRMAN: Q. I know of more than one case where there is the utmost harmony between the management and the union—referring now to the American Federation of Labour. In one case they had over 90 per cent membership and asked for a closed shop agreement and check-off and got both of them, but it was by agreement?

A. Yes, there are a large number.

Q. When you can do that by the exercise of goodwill and fair play on both sides you are getting some place, but once you start putting compulsion in the law to compel people to do things they do not like to do, are you not courting a lot of trouble? When you have that great majority in a union the company will sit down with you, and nine times out of ten you will arrive at an amicable agreement, whereas if you act as selfish individuals you will not get anything?

A. I am speaking only for my own local. You mentioned the American Federation of Labour, and I may remark that craft unions can get closed shop much easier than industrial unions. There does not seem to be the same reluctance to grant closed shop to craft unions.

THE CHAIRMAN: That is very fair.

Witness withdrew.

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MR. EDMISTON: I would like to suggest that probably Mr. Wright was trying to convey the impression that he did not want closed shop unions out-

lawed. It was not so much a question of making it mandatory and forcing the closed shop on the employers as to leave the door open for a closed shop. Many employers at the moment stress the fact that there is nothing which would make a closed shop or even a union lawful; in fact, they point to certain parts of the Act and say it is unlawful. As a matter of fact, our company's brief brought out some of those points. I really believe that is probably what Mr. Wright was trying to convey.

May I call upon one of the workers from Niagara Falls? He is a worker in the plant where we have our newest company union.

THE CHAIRMAN: If he will be brief you may call him now.

MR. EDMISTON: Yes, he will be very brief.

THE CHAIRMAN: Very well.

MR. EDMISTON: I would like to introduce Brother Bert Udell, who will speak to you about company unions.

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BERT UDELL. sworn.

WITNESS: A while ago the question was raised as to how this committee was elected. We had somewhere around 26 departments, and we elected a man out of each department for the I. and D. Committee, the Improvement and Development Committee. They have about three different meeting times amongst themselves; that is, so many departments go together at one time for a meeting with the head of the plant in connection with the Improvement and Development of the plant.

MR. ANDERSON: Q. To what plant do you refer?

A. The North American Cyanamid Company. Out of the 26 men that have been sent in on this I. and D. meeting, the I. and D. Committee picked out nine men on this collective bargaining committee, about which the men had nothing at all to say. It was not even put up to the men. It was all done with the I. and D. Committee. I heard a reference about putting it on the bulletin board. Well, in some of the departments this agreement was put on the bulletin board, but as far as anything else is concerned the men had nothing to do with it, and could not say aye, yes or no about it. When these nine men went up to the management the management called them in and put this agreement in front of them and said: "We will let you look it over," and they looked it over and then the management said: "You had better sign it," and the men signed it. The workers did not have anything at all to do with it. I think somebody was trying to put something over on the men so that they would not try to get a proper collective bargaining committee of their own choice.

MR. FURLONG: Q. The Committee understands that point pretty well, and also the union's idea of it, because that practice has been stressed quite often here?



A. I was not speaking about the union but about the raw deal the plant gave the employees.

Q. Well, the employees' idea of it?

A. I do not know that there is very much more I can tell you about it. I explained how they got their committee, and so forth.

Q. It interferes with the free choice of the employees to elect a committee?

A. Yes.

Witness withdrew.

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MR. EDMISTON: May we take another three or four minutes of your time, Mr. Chairman?

THE CHAIRMAN: Perhaps you do not realize that we have heard a great deal of evidence of a similar nature.

MR. EDMISTON: I think this is one piece of evidence you have not heard, Mr. Chairman. I would like to call a woman to give you the women's viewpoint.

THE CHAIRMAN: We shall be glad to hear the lady if she will come here at two o'clock.

MR. FURLONG: How long will the lady take?

MR. EDMISTON: Only a couple of minutes.

THE CHAIRMAN: Then call her.

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MISS MARGUERITE SPIKESMAN, sworn.

THE CHAIRMAN: Q. Proceed, please?

A. I have not any idea as to what Mr. Edmiston would like me to speak about.

MR. EDMISTON: I would like you to give the ladies' viewpoint on the collective bargaining Bill.

WITNESS: Until two weeks ago I was employed at the Welland Chemical Works in Niagara Falls, which comes under the management of the North American Cyanamid Company. There are a great many women employed in that company who are not only working in a vital war industry, but are doing their own housework as well. The men go out and do their day's work and come home and sit down and read the newspaper, but the women go out and work eight hours a day at hard work in that plant, and also manage their homes. A

great percentage of these women are soldiers' wives, and they firmly believe that this collective bargaining Bill should be enacted as soon as possible. There is a definite majority of the women who are building up a home front here just as much as the men who are fighting overseas, and they want to make sure that when their men come back they are not going to be thrown on the streets unemployed, but that work will be available at decent wages and under decent living conditions. That is the thing that is uppermost in the minds of the women right now, Mr. Chairman, building for their husbands' and children's future, and I sincerely believe, as do all these women, that by the enactment of this collective bargaining Bill you will give them a weapon which will ensure them a safe and sound future. I thank you for being so patient.

Witness withdrew. (Prolonged applause.)

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MR. FURLONG: May I ask that this Committee proceed right through this afternoon, Mr. Chairman?

THE CHAIRMAN: Yes.

MR. FURLONG: If you have to go into the House the vice-chairman can preside.

THE CHAIRMAN: Yes.

MR. FURLONG: Otherwise we may not get through with our agenda.

THE CHAIRMAN: Very well. The Committee will adjourn until two o'clock this afternoon.

Whereupon the Committee adjourned at 1.00 o'clock p.m. until 2.00 o'clock p.m.

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WEDNESDAY, MARCH 10, 1943

#### AFTERNOON SESSION

On resuming at 2.00 p.m.

THE CHAIRMAN: Gentlemen, you will please come to order.

What is the business for this afternoon, Mr. Furlong?

MR. FURLONG: Mr. Charles Cox is not yet here. He is appearing and I understand coming up this afternoon.

MR. MAGNUSSON: I am here, sir.

THE CHAIRMAN: Have you a brief?

MR. MAGNUSSON: Yes, sir.

MR. FURLONG: Would you like to go on now?

MR. MAGNUSSON: Well, you see, there is a delegation of four here. I think Mr. Cox is coming down from the hotel in a few minutes.

MR. MACKAY: Mr. Magnusson could present his brief.

THE CHAIRMAN: Yes. He has a brief. The four delegates cannot talk at the one time.

MR. FURLONG: If he desires to wait there is another representation supposed to be here, namely, the Tapmen and Waiters Union. Are they represented? Apparently they are not, so we will have to go on with Mr. Magnusson.

THE CHAIRMAN: Very well.

MR. FURLONG: Mr. Chairman, before hearing from Mr. Magnusson I would like to present as Exhibit No. 95 a petition.

EXHIBIT No. 95: Petition.

Net is Exhibit No. 96, a communication from W. R. Knight, Financial Secretary, Amalgamated Association of Street and Electric Railway Employees of America, directed to the Hon. Peter Heenan, Minister of Labour, dated March 4th, 1943, enclosing a resolution forwarded to the Hon. G. D. Conant, Premier.

EXHIBIT No. 96: Letter, W. R. Knight to Hon. Peter Heenan, Minister of Labour, dated March 4th, 1943, and resolution.

Next is Exhibit No. 97, a resolution of the London and District Hospital Employees Federal Union, Local 85, dated February 10th, 1943.

EXHIBIT No. 97: Resolution, London and District Hospital Employees Federal Union, Local 85, dated February 10th, 1943.

Next, a communication from the Federal Local No. 85 of the Employees of Dennisteel Corporation, dated London, March 6th, 1943.

EXHIBIT No. 98: Letter, Federal Local No. 83, Employees of Dennisteel Corporation, dated March 6th, 1943.

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TRADES AND LABOUR COUNCIL OF PORT ARTHUR

B. A. H. MAGNUSSON, sworn. Examined by MR. FURLONG:

Q. I understand, Mr. Magnusson, you live in Port Arthur?

A. That is correct.



Q. What organization do you represent?

A. I represent the Trades and Labour Council of Port Arthur.

Q. Do you hold office in that organization?

A. Yes. I am the secretary of the present labour council.

Q. That is, the A.F. of L.?

A. Yes.

Q. Very well. You might proceed with your statement.

A. I might say at the outset, gentlemen, our submission will be very brief owing to the fact we were here the other day and concurred, of course, in the brief submitted on behalf of the Trades and Labour Congress of Canada.

"Our delegation from Northwestern Ontario has come over 700 miles to appear before this Select Committee of the Ontario Legislature. Our Lakehead cities of Fort William and Port Arthur are well established industrial communities which at this time produce large quantities of war materials, such as ammunition, ships, airplanes, pulp and paper, etc. Thousands of workers are also employed in shipping and railroad transportation.

The working people in that part of the province whom we represent, are organized up to well over 60 per cent. The percentage would be much higher if not for the fact that the metal miners in our district have no trade union organization as yet.

Our delegation is authorized directly and by proxy to represent all of these organized workers.

To be more specific, we speak for approximately 12,500 workers organized into 96 local unions. These local unions are in turn affiliated in four central bodies, known as Trades and Labour Councils of Port Arthur, Fort William, Kenora and Fort Frances. All of those unions are affiliates of the Trades and Labour Congress of Canada through their respective international unions which also are members of the American Federation of Labour.

While we have gone a long way to bring about organization and collective bargaining to protect and advance the interests of labour, and at the same time have brought about industrial relations beneficial to the community as a whole, it has to be stated at this time that our progress has not been a simple one and without difficulties. Many severe obstacles have had to be met and overcome, and yet many more remain to be solved. The problem of maintaining orderly, organized and harmonious industrial relationships for ever expanding production is now more imperative than ever. It is here that a constructive, fearless, definite and practical labour policy on the part of our Governments can play an enormously helpful role. That something has been lacking in this regard is obvious.

As Premier G. D. Conant of Ontario stated in his speech before the annual meeting of the Kingston Chamber of Commerce on January 29th of this year: 'A brief survey of the facts discloses very clearly that since the outbreak of war there has been something fundamentally wrong with our labour policies and practices in Canada. If there had been recognition of labour as a partner with industry and government in our war production program, most of our difficulties would have been avoided.'

Legislation in the matter of collective bargaining has been suggested for Ontario and the question is now being studied by this Committee. It gives us great hope and confidence to think that at long last something is about to be done to help further industrial democracy. This is a matter of great consequence not only for the most successful prosecution of this war until victory is won, but also for future progress in the peace that will follow.

The experiences we have had in our part of Ontario have made us realize fully the importance of the problem we are now discussing. That is the reason we have come here to give our support in the clearest possible way to the submissions made here in favour of legislation guaranteeing to labour the rights of organization and collective bargaining.

We are in complete accord with the representations made here on behalf of the Trades and Labour Congress of Canada. In our opinion that submission covered all main points which we have had in mind and make it unnecessary for us to deal at any length with the details of the question before us.

There are, however, a few points which may be of interest to the Committee here in considering the problem of organization and collective bargaining as it affects peaceful industrial relations. Contrary to the submissions of the Canadian Manufacturers' Association, our experience in North-western Ontario has been that wherever trade union organization is well established, it has been a guarantee of continued production. For example, there has been trade union organization in the pulp and paper mills for some 25 years, during which time there have been no strikes and all grievances have been peacefully adjusted through procedures developed through collective bargaining relations.

On the other hand, and as a contrast, we are experiencing opposition to collective bargaining where we have had the majority position of a union established by secret ballot taken under the supervision of the Dominion Department of Labour. Such situations in which employers promote industrial unrest point up and emphasize the need for legislation compelling collective bargaining.

We are fortified in our request for collective bargaining legislation by the public sentiment of the communities from which we come. The city councils of Port Arthur and Fort William have passed resolutions endorsing the value of compulsory collective bargaining. The trade unions in those areas have proved themselves an asset in stabilizing industrial relations to the advantage of the community, and as a result have earned the respect and enlisted the support of the Lakehead public."

Q. Mr. Magnusson, the Trades and Labour Congress of Canada filed a brief of considerable length covering every point they would like to be considered in a Bill which may be passed by the Legislature and, I take it, you are heartily in accord with that?

A. That is correct, sir.

Q. And you do not wish to add anything to it?

A. No.

Q. Is there anybody else you have here you would like to have heard?

A. Well, I see, sir, the rest of our delegation is here now. Perhaps they would have something to submit in addition to this.

MR. FURLONG: Mr. Cox expected to be here to introduce this committee. In the absence of Mr. Cox I am wondering if Mr. Magnusson would care to introduce them.

THE WITNESS: We were here the other day and I think the delegation was introduced at that time.

First, we have Clare Mapledoram from Local 39, Pulp and Sulphide Workers Union; Harold Turner, from Local 719, International Association of Machinists, Aircraft Workers of Fort William, and John Currie from the Fort William Trades and Labour Council which he represents directly here, also a member of Local 39, International Brotherhood of Pulp and Sulphide Workers of Fort William.

THE CHAIRMAN: Q. Do the representatives of Port Arthur and Fort William get along amicably?

A. Yes, without difficulty.

Q. Do any of those gentlemen desire to make any representations to the Committee?

A. There is one thing I would like to say.

There was some considerable discussion on the question of company union and it has been said that company unions are organizations which are influenced by or financed by, and in other ways coerced by employers. I think here we should consider that an independent union might be very independent and democratically organized or otherwise, which is organized in an industry independent from any other industry and only employed by a single employer and only covering that establishment whether it be one or several establishments, might conceivably become a company union inasmuch as there is no other influence exerted on this organization other than that exerted by itself or to influence by the employer for which the employees are working. In this connection I would like to say while there has been much talk about outside influence and what is often called outside agitators in an organization such as ours, an international union with a broad, wide affiliation, I think such an organization repre-



sents a greater number of workers and has greater possibilities of remaining independent at all times and able to conduct its affairs in a very democratic fashion free from influence of employers under any circumstances.

It is a very difficult thing to prove the question of employer influence in an organization, but I might cite one example without mentioning any names in Port Arthur where three attempts were made in one industry to organize a union of the employees and to collect fees from those employees at the rate of 50 cents per month. An agent was sent in presumably by somebody, whether it be the employers or some others, I do not know, to organize this union. The result of the mission was that out of 700 workers interviewed only one joined. The reason for that was we already had an established international union in the industry and the employees had no desire to belong to any other organization than that one. That might help the Committee in some way as to determining the value of a bona fide organization which has wide affiliations and which in a democratic way decides its own destiny and what it is going to do about its own affairs.

That is all I wish to say, Mr. Chairman.

THE CHAIRMAN: Thank you very much, Mr. Magnusson.

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CLARE MAPLEDORAM, sworn.

THE WITNESS: Mr. Chairman and gentlemen, I have not much to elaborate on Mr. Magnusson's brief. Of course it is a brief dealing with Northwestern Ontario, taking in all the international unions in that district.

I, myself, belong to Local 39, International Brotherhood of Pulp, Sulphide and Papermill Workers. We have a membership in our local of around 600 members. We take in also in the city of Port Arthur and in the city of Fort William two locals established in Port Arthur with approximately 600 workers and a mill in Fort William in which we have another 250 or 300 workers. We are one of the oldest international unions in that district and we have viewed with alarm the difficulties these younger unions are having in organizing. We have not experienced them ourselves because over a period of years we have been well organized and well received by employers, especially in the paper industry, but we have noted that other employers do not view the unions in the same light as the paper employers do.

As I say, I would like to point out that especially in the woods operation you have a vital industry. Mr. Magnusson is secretary of the Sawmill Workers' Union. I would like to cite a case example of how unionism protects the manufacturer as well as it does the worker.

Here some two or three weeks ago I was called into conference by our mill manager and given to understand that through trouble with the sawmill workers or with the men working in the bush we were in very great danger of being shut down at Fort William, that our mill was likely to be shut down within four days if we could not supply wood. They were at a loss as to who should attempt to

right the wrong which was going on in the woods operation. Mr. Magnusson is head of a local of sawmill workers which is recognized as a bargaining agency, but has not a union shop agreement with bush workers. In other words, you have men working in the bush all over the country and you may not have the majority of the workers in that camp being non-union.

They were faced with the possibility of shutting down the Great Lakes mill. My manager called me into conference with him and asked me if there was something we could do for them as an international union. Mr. Currie and myself contacted Mr. Magnusson in Port Arthur, had an interview with him, and he told us the facts that it was not the sawmill workers, but the non-union men which was causing the trouble in the bush. After there was considerable talk with him he asked if there was anything we could do and he agreed to go up into the bush, see the manager and try to straighten it out. He did that, with the consequent result that they speeded up the operation and we are now able to put wood into storage, pile it up.

This is a concrete example which indicates that union and management working together can do things. If the company had not had the men to contact in the organization they would have been lost, and I think within four days would have had a mill shut-down.

Mr. Magnusson is also in charge of the sawmill workers, which you know carry on an industry which is most vital. Since he has taken charge of the sawmill workers in that district and tried to organize them they have never had any serious strikes. There has never been a shut-down since the war started.

At the head of the lakes we are in an isolated district and the only reports we get about the legislation which is passed are what we get from reports which come out in the newspapers. We are vitally concerned with the matter and a hurried delegation was got together to come down here in order to interview this Committee and see if we could not get a legislation which would protect us.

I do not think we can add any more to that.

MR. FURLONG: I see Mr. Charles Cox has just come into the room.

Mr. Cox, we took your committee under our wing and went ahead without you.

MR. CHARLES COX: Thank you very much. Have you met all of them?

MR. FURLONG: I think we have met all of them.

MR. COX: Mr. Currie, Mr. Mapledoram and Mr. Magnusson from Port Arthur represent a large number of men at the head of the lakes. We are very grateful you started to hear them before I arrived. We are very glad you have heard from our representatives.

MR. MAPLEDORAM: Mr. Chairman, would you listen to our international vice-president. I happened to contact him in Toronto since I came down here.

He can give you some figures and statistics as to the number of unions we have in Ontario, how long we have been organized, and so on.

THE CHAIRMAN: I do not think figures as to the number of unions and how long you have been organized would make any difference. We would be glad to have any views presented to us as to the wisdom or lack of wisdom of a collective bargaining Bill.

MR. MAPLEDORAM: I think he can give you something along those lines, too.

THE CHAIRMAN: Very well.

S. A. STEPHENS, sworn..

THE WITNESS: Mr. Chairman and gentlemen of the Legislative Committee, we are very much interested, of course, in the announcements that the unions in the province of Ontario are not legal. We, as an international union, have built up a relationship with our employers in the pulp and paper industry over a period of thirty some odd years. We have what we term union agreements in the province of Ontario with all of the mills with the exception of one or two small plants. With all of these companies with which we have been doing business for a long period or a considerable number of years our relationship has been built up because our workers have joined these unions, have gone to the employers and negotiated agreements on a friendly basis, believing it was legal to do so. The Bill which was presented by the Hon. Peter Heenan, we felt, would merit the making of our unions legal. If the decision was they were illegal we believe a Bill should be brought forth making our unions legal.

I was very much interested in listening to one man this morning presenting evidence in favour of company unions. I have been a member of a union for thirty-two years continually and now I am an international vice-president, the third vice-president of the International Brotherhood of Pulp and Sulphide Paper Workers. I have worked my way up and I have seen the discontent which has grown from company unions over a period of years. Discontent creeps in where the unions are organized into legitimate organizations. It is very hard to handle people when they get into legitimate organizations after they have been in company unions and have been browbeaten and led to believe they have no rights in this world whatsoever. We have from time to time tried to teach our people what democracy means. We are not only functioning as a labour organization or as labour organizations for the purpose of negotiating in respect of wages and working agreements; there are many other things, such as teaching them to become good citizens. That is certainly not done by leaders such as sub-foremen and so forth in the company unions with which I have had contact.

We have fifty local unions in the Dominion of Canada functioning without labour trouble anywhere in this country. We have made our contribution of over \$200,000 in war bonds and every local union connected with this international union has made its contribution as well. We try to teach our people to be patriotic. We certainly function on a proper basis. Members of this Committee here know in the localities from which they come that the paper mills in particular have a record second to none in this country. We want nothing to



destroy that relationship with our employers in one of the best industries in this country. We want that protected. If there are unfair employers of labour who will take advantage of that, or the Canadian Manufacturers' Association, we strenuously object to it. We feel our position should be protected and the only way in which it can be protected is to make it legal. I maintain that for several reasons which have been brought out this morning by several witnesses that the company unions certainly do not make for good citizenship of any man in the country because of the method by which they are formed, organized. I say that with thirty-two years' experience. I am a man born in this country and I travel through thirty-two states of the United States and from coast to coast in Canada and also Newfoundland. We are making our contribution all over this North American continent. We are very proud of our record and if you wish anything further from our record as a legal organization, you will be able to get it in Ottawa, Washington or in Newfoundland.

I say, in all fairness to the workers, in this country, particularly this province of Ontario which is a large industrial province, we are very proud of our achievements in this province. I am a resident of this province and I hope to be. I hope you will take into consideration our submission and give our people their just rights. Those unfair employers of labour who would take advantage of the workers to the extent of forming company unions certainly, in my opinion, have no place in an industrial province such as Ontario. We are very proud of our province, we are very proud of our achievements and we should keep it that way. I certainly believe that labour legislation protecting the workers in their organizations should be enacted.

I may say further there is no other industry in the Dominion of Canada which can boast of the same record as we in the pulp and paper industry.

Dealing with our relations with our employers, regardless of wherever we go, I leave that to be vouched for by the employers.

MR. ANDERSON: Q. Are all employees around paper mills members of your union?

A. They are members of our union because we have clauses negotiated by mutual agreement which require membership after they are in for thirty days. Some are in fifteen and thirty days after employment. That is what we term a probationary period which gives the employer an opportunity to decide as to whether he wishes to keep a particular employee before the thirty days are up. If he wishes to dispense with his services he does so. Once he is there thirty days he automatically becomes a member of our union.

Q. Then you handle wood and yard workers?

A. We include yard workers, yes, inside and outside of the mill.

MR. HABEL: I think I have two locals of the pulp and sulphide workers in my riding, and I want to pay tribute to your union. My greatest hope would be that all unions in Ontario would work in the same way your union is working throughout my district anyway.

THE WITNESS: Thank you very much. May I have your name, please?

MR. HABEL: My name is "Habel", Cochrane North Riding.

THE CHAIRMAN: It speaks well of good influence on both sides.

THE WITNESS: Yes; and that is what we would like.

MR. ANDERSON: Speaking of the pulp and paper mills in my riding, I am sure I can say to you how highly considered they are. That is, the local pulp and paper union in my riding.

THE WITNESS: I might say the Hon. Peter Heenan himself has knowledge of our unions, because he comes from some of the districts in which our unions are located as well.

THE CHAIRMAN: He is right in the middle of them.

THE WITNESS: That is right.

MR. FURLONG: Q. That agreement of yours is, in effect, a closed shop agreement after thirty days?

A. We call them union shop agreements.

Q. After a man has been hired thirty days he has to get in?

A. Yes.

Q. Have you also the check-off?

A. No, sir. We have not anywhere in the Dominion of Canada. As a matter of fact, we have never gone in to negotiate for check-offs, because of the fact that our agreements were negotiated on a mutual basis and require membership after thirty days. What we are interested in is to make these organizations legal and certainly we are bitterly opposed to company union because we know what they make of the members after they come into a legal organization.

THE CHAIRMAN: Q. You do not wish to be outlawed?

A. No; but if I were in the same position I would be glad to be outlawed. I am saying that as a citizen of this country. I handle agreements in the United States still and I have never yet had anybody bothered with me in either of these countries, in the three countries.

MR. MAGNUSON: I might say, in addition to what I said before, that as far as our industry is concerned, since we became practically all organized from 1935 on we have had the most harmonious industrial relationship, I think, that has ever existed in any industry—that is, the pulpwood industry at the head of the lakes, in northwestern Ontario.

We have two more delegates. Mr. Currie is also an alderman of the city

of Fort William. He might like to say something. Mr. Turner represents the Aircraft Workers in Fort William, which is a very important war industry and he might like to say something.

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JOHN CURRIE, sworn.

THE WITNESS: Mr. Chairman and gentlemen of the Committee, this morning when a certain gentleman was testifying with respect to company unions he mentioned also how international or affiliated unions were organized and how these high-pressure men went into districts and put the heat on to organize them. As a member of the Trades and Labour Council of Fort William and a member of the Joint Organizing Committee of Port Arthur and Fort William, we manage to get along pretty well together. We left the bickering between the two cities to Charlie Cox and Mayor Ross, but now that Mayor Ross has left we are pretty well unanimous. I think we will have a labour mayor now, but we will have Mr. Cox working in pretty close conjunction with us. We work pretty closely together. With regard to the organizing, I have taken part in helping to organize several plants up there and also in trying to help organization generally. I have never at any time received any money for that work. It has all been voluntary work. Men who are union members of established unions such as the pulp and sulphide and the lumbering and sawmill workers, and the machinists, are called in on this organization committee and asked to go out and interview the workers of the different plants. We call a meeting in the Trades and Labour Hall of these employees. We advertise it and pass on the word to them. They come down there, and we put up some arguments as to why they would be better off in a union affiliated with one or the other, either the A.F. of L. or the C.I.O. We happen to be A.F. of L. so we advertise the A.F. of L.

THE CHAIRMAN: Q. You mean, you are appealing to men who do not belong to any union?

A. That is right; to become organized.

You see, at one time we were not organized. We have gone all through the stages they mentioned this morning of trying to organize and of men being fired. Even in our own Great Lakes, when it was Brooke—and Mr. Heenan will remember that, as he had to go up in 1929—quite a few men were fired up there.

Q. Because they had taken part in union activities?

A. Because they tried to organize. That is right. They were at that time receiving twenty-eight or twenty-nine cents an hour. We kept on and organized until finally we did get a union. Out of that we have built a good union, as Mr. Stephens has told you, which has a very good reputation not only with the members of the community but with the paper manufacturers. We go out to these different people and speak to them in the hall and explain to them about the advantages which we think and we know from our own experience they will obtain through being members of international unions. We believe that finance is international and labour in order to protect itself must be international also. If we do not get a majority of those employees to come in to that union and organize then we have to stop. If we do have a majority of employees, which



we have had on numerous occasions still we are blocked because all the employer will do will be to refuse to negotiate.

In 1933 I was a member of the Elevator Workers Union which was organized in Fort William and Port Arthur. We had over 70 per cent of the membership of the workers in the elevators in the two towns and the Searle elevator which was organized in November started again. At that time there were approximately 65 men working there. We had 59 members from that elevator. Five out of those members were officers of the union. I was financial secretary and I was working there. In spite of the fact that we had that membership and wrote to Ottawa and wrote to the Minister of Labour of Ontario and asked for conciliation boards and everything else which went with it, we did not get it. The result was that in a year or so the union was gone, there was not any union in the Searle elevator at Fort William. Men had been fired. It is a difficult thing to prove the facts about firing men. You know there are very few, even members of Parliament, who at one time could not be fired for not fully carrying out their duties. We all have a period in our lives when the boss can come along and catch us. It is a very hard thing to prove that an employer has fired a man for union activity. You cannot prove it because he can find so many other things for which he can fire you. Even the best workman at some time during the day may do something which leaves him wide open. The tendency was to discourage these unions from doing that. It has been carried out not only in Canada but in the United States. By passing this Bill in respect of collective bargaining it will eliminate to a great extent a lot of the grievances, a lot of the trouble and a lot of the intimidation which goes on to-day.

I noticed in the Globe and Mail issue of March 3rd Mr. Heenan's thirteen points. I do not wish to deal with the whole thirteen. I think he has dealt with them pretty fully.

Q. You know what happened to the fourteen points.

A. You have No. 5:

"5. Some legislative pronouncement or enactment seems necessary in order to make it clear to certain employers that they must negotiate and bargain with whatever representatives their employees have selected to act for them."

You know, when you sit down with the employer, when you are allowed to sit down with them, you find out after all they are human in many cases and, in many cases, they find out you are human, too. Once you get them sitting down many of the difficulties can be ironed out. The trouble is to get them to sit down. With respect to the Searle elevator business the youngest member of the firm, young Mr. Searle, the general manager, was quite willing to do so, but there were many below him, again, who were not. Naturally that tends to influence his decisions. Once you get them around the table, and you bring up these different points, instead of an insurmountable barrier to an agreement you find it is merely a mole-hill and you overcome it.

Q. The old story of contact?

A. That is right; personal contact, not letters or anything else. You should make them sit down. We have to sit down and do things which we do not want to do lots of times. They should be made to sit down and give their employees the consideration of putting the case up to them, anyway.

Then, dealing with point No. 8:

"8. There are other practices in industry incidental to collective bargaining which should be prohibited. I mention a few as follows:

(a) An employer should not be allowed to discharge or discriminate against employees who have joined a union or who have requested collective bargaining.

(b) An employer should not be allowed to influence his employees in their choice of their bargaining representatives, and should not be allowed to set up company unions or establish plant councils unless they are requested by the employees, and chosen by them in a bona fide way."

I do not need to read sub-paragraph (c). It is all very well for the gentleman who addressed the Committee this morning to talk about what they have gained. Certainly, if you have a district where you have a certain amount of organization and you have possibly a larger or maybe a smaller percentage of that industry which is not organized, unionization tends to bring up their living standard, their wages and everything else. On top of that some employers will give bonuses to keep their men out of unions. Speaking of the danger of those men being organized in legitimate unions, not in illegitimate unions as a gentleman said this morning, when that danger is over they take away as many of those almost advantages as they possibly can. That gentleman mentioned recreation halls. We have an athletic club at the Great Lakes Paper Mill to which about 90 per cent of the employees contribute. It was formed in 1936 with the full consent of the unions, the paper workers, the pulp and sulphide and the steam and operating engineers. Those three groups were selected by the company and their representatives were sent to the meeting, not picked by the company, but elected at their various meetings. We talked it over. The company was going to put in fifty cents for every dollar we put in to this athletic association. Now they put in one dollar for all we have put in. We take care of our men who are in the armed forces overseas, and we send them parcels through the athletic fund. The fact is that organization is a voluntary association of the union and the members of the union with those office workers and so on who are not eligible to belong to unions, in an athletic association.

We meet not on the company property but downtown at the Elk's Hall or wherever it is suitable to meet, and we draw up our plans there. These things, if they are operated by the company entirely in which the working man does not have to pay anything for them and has no say in them, cannot be operated democratically. They tend to become supervised and controlled by the government just the same as a company union. No matter how well intentioned the men may be who are the leaders of the company union they must at some time come under influence and they cannot do anything about it.

I want to thank you, gentlemen, for allowing this delegation from the lake-

head to be presented here by Mr. Cox. There is no doubt in my mind that you are going to pass the Bill. The only thing I desire to make sure of is that you do not pass a Bill which will be detrimental to labour. If you outlaw these company unions where they are not bona fide and give the employees the privilege of sitting down with their employers and talking it over and compelling the employers to do that, you will have eliminated a good deal of the strife obtaining in labour to-day.

Thank you. Are there any questions?

THE CHAIRMAN: Apparently not.

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HAROLD TURNER, SWORN.

THE WITNESS: Aircraft Lodge 719, Fort William, Ontario, and I represent the aircraft builders at the head of the lakes.

While I do not believe there is very much I can add to the briefs of the Trades and Labour Congress, as presented by Mr. Magnusson, from our delegation, I want to cite our own case in order to emphasize the need of compulsory collective bargaining. We have in the plant employed about 4,300 members and have a little over 3,000 in our union.

THE CHAIRMAN: Q. What plant?

A. In the aircraft plant at Fort William, the Canadian Car and Foundry. We build the Hawker Hurricanes and are at present tooling up for the new Curtis Helldiver. There is a great amount of unrest at the present time in our plant, mostly because of the redistribution of work in the tooling up, which is not quite complete as yet. As a result perhaps management claims lack of work. There is indecision and perhaps some dissatisfaction among the employees. However, here the need for compulsory collective bargaining will show itself. Our name has been in the papers lately because we had to have a mediator up there. Although we have an agreement which was only signed about two and a half months ago, there has been a little dissatisfaction, and it is mainly because of lack of tact. That shows you now the need for compulsory collective bargaining. The management has never refused to sit and discuss cases. When a committee met we met them and presented our brief, or our subject matter, and the attitude of the manager was very high-handed. He said, "This is out," "That is out," and "The other is out." The committee, not being used to the manager, when it got back to the union, said, "Everything is out." Had it been a case of compulsory bargaining, all the members of the plant would have known the manager could not have said "That is out and this is out," and so on, because the committee could have said "You must sit down and discuss the matter and after you can say it is out."

I think other than the point of voting there is nothing to bring up. Our agreement should have been signed on October 8. However it was not signed until January. Before the vote was taken—



Q. You would not expect the legislature to endow any of these recalcitrant employers with tact?

A. Oh, they have that, but they do not always. When it came to a vote we did our propagandizing for four days. That is, we gave a statement of what we were and of what we were not to gain. We laid the matter for four days before our members in the plant, itself. There has never been any objection to it by our management. Before we took our vote we allowed the management time enough to see what we were putting out as propaganda, and if they wished to make any statement to the contrary it was their right to do so. Mind you, our management makes us fight for everything.

We took our vote in twenty-four hours, which proves that any plant which has maybe 5,000 workers does not require a week and a half to take a vote. It is merely a matter of putting your subject before them and they can make their decision.

I do not believe there is anything else I can add unless there are some questions I can answer.

MR. COX: I wish to express my sincere thanks to the committee for hearing us. I am indeed very much obliged. That is the last to be presented by the delegation from the head of the lakes.

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MR. FURLONG: The next business on the list is the presentation of the Builders Exchange and Construction Association of Toronto, the Ontario General Contractors Association and the Canadian Construction Association, all of whom are represented by Mr. Nicolle, I believe.

MR. MACKAY: Is Mr. Nicolle going to speak on behalf of the three interests?

MR. FURLONG: Yes.

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BUILDERS EXCHANGE AND CONSTRUCTION ASSOCIATION OF TORONTO,  
AND ONTARIO GENERAL CONTRACTORS ASSOCIATION

H. C. NICOLLE, sworn. Examined by MR. FURLONG:

Q. Mr. Nicolle, where do you live?

A. In Toronto.

Q. What position do you hold having regard to the three associations referred to?

A. I am the president of the Builders Exchange and Construction Association of Toronto and immediate past president of the Ontario General Contractors Association. While I am the vice-president of the C.C.A., which is the Canadian Construction Association, I do not wish to speak on their behalf to-day, so you will kindly delete that.

Q. Tell us something about each one of these associations. Are they voluntary associations?

A. Yes, indeed. They are associations of employers.

Q. Construction employers?

A. Construction employers—mostly general contractors, of course—to which also belong the sub-trades such as the plasterers, the plumbers, the steam-fitters, the electricians, and also the supply houses.

Q. Very well. You might proceed with your brief.

A. Mr. Chairman and gentlemen, I want to thank you first for the privilege of presenting this brief and also to congratulate you on your display of patience which I have particularly noticed here to-day. With your permission I will carry on.

“Select Committee,  
Collective Bargaining,  
Parliament Buildings,  
Toronto, Ont.

BRIEF ON ‘COLLECTIVE BARGAINING’—FROM THE BUILDERS  
EXCHANGE AND CONSTRUCTION ASSOCIATION, AND THE  
ONTARIO GENERAL CONTRACTORS ASSOCIATION

We, in the Construction Industry, having enjoyed the benefits of Collective Bargaining for many many years, have no hesitancy now in commending your action in endeavouring to make such legislation compulsory in Ontario. This lack of compulsion has been the greatest difficulty we have experienced, and so take this opportunity of enumerating our ideas concerning the type of legislation we consider preferable.

For instance—On the 14th of September, 1942, the Regional War Labour Board for Quebec issued an Order, awarding a bonus of five cents per hour to the employees in the building and engineering construction industry of the District of Montreal, which Order is mandatory on every employer in the industry in that district.

You will, we feel sure, realize that this differs very considerably from the bonus regulations of the Regional War Labour Board of Ontario, where the bonus as awarded varied and are permissive and only payable by those employers who feel that they cannot avoid obeying the Order.

Probably the most important difference between the two Provinces is in the labour legislation affecting each Province, namely,—Collective Labour Agreements Act of Quebec and the Industrial Standards Act of Ontario. As it is now your desire to discuss labour legislation, we seriously recommend your consideration of amending The Industrial Standards Act to give the employers and employees of this Province the benefits which Quebec enjoys at the present time. The Collective Labour Agreements

Act has been in force in Quebec for about eight years, and at the present time has the enthusiastic support of both employers and employees as a very desirable legislation.

When Mr. Roebuck, Minister of Labour, drafted The Industrial Standards Act, he promised the employers and employees of this Province a better Act than Quebec, but unfortunately as you are well aware, The Industrial Standards Act has been a complete failure in the construction industry, whereas The Collective Labour Agreements Act in Quebec has had a continuous successful administration.

It may not be necessary for us to point out the difference between the two Acts, but for the purpose of record, we would like to briefly emphasize the important features:

1. The Quebec Act deals with a group or a large number of rates of wages for the different types of men employed in the industry in one schedule, rather than an individual schedule for each trade classification or craft.
2. The Quebec Act is administered by a Joint Board of employers and employees of the industry concerned, who naturally assume responsibility for its successful administration, whereas The Ontario Act was administered by the Department of Labour.
3. The Quebec Act provides for a small assessment or fee to be paid by each employer and employee per month, which provided a very close check on those engaged in the industry, and the sum collected was spent in engaging a sufficient number of accountants and inspectors to insure that the regulations were strictly obeyed.
4. The Quebec Act provides for a certificate of competency for each employee, which is a safeguard to the employer that he is not employing a man other than the certificate certifies as to his qualifications or trade. Whereas, in Ontario, we feel sure you will realize that any person can buy a hammer and saw and call themselves a carpenter.
5. In Quebec, under the group system, every class of employee in that trade has a fair and reasonable chance to obtain a proper rate of remuneration. When the schedule is arranged at the Annual Negotiations Meeting and when increases are granted, they usually go all down the list of 20 or 30 trade classifications. Whereas, in Ontario, each trade, represented by its own group of Union representatives and Associations, haggles and fights over wage rates for weeks, with the result of unfairness and disproportion. (For instance,—Common Labourers in Toronto, who did not receive any increase for seven years.)

We are drawing this to your attention at this time, in the hope that some consideration will be given to not only the present, but the future relationships between employer and employee and particularly in the



construction industry. Present indications are that there will be a considerable drop in the volume of construction from now until the war is won, but with the demand for housing and other building, there is bound to be a large volume of work undertaken immediately after. During such depression and boom periods, regulation of wages is a difficult matter, unless suitable legislation is available for the control of the employer and the employee, who take advantage of such periods, and wages have a tendency to be extremely high or extremely low.

Moreover, in view of the lack of apprentices and the improbability of skilled mechanics being received either from the United States or Europe, we will face a position which will require very careful preparation, if we are to avoid the dangers which happened between 1928 and 1938.

It is our wish, therefore to respectfully suggest that The Industrial Standards Act of Ontario, be amended to adequately take care of the industrial conditions of 1943 and the post war period, and we are of the opinion that such amendments or legislation could most readily be introduced at this time when wages are regulated and governed by wartime regulations and are generally recognized even by unfair employers who would be the first to take advantage of economic conditions and starvation rates."

Q. You may be dealing with some things here beyond the scope and the power of this Committee. This Committee is authorized to investigate collective bargaining. I notice by this brief of yours you have no objection to collective bargaining. In fact, you support collective bargaining very strongly?

A. Very strongly, yes, sir.

Q. And that is the one thing with which this Committee has to deal. So far as collective bargaining is concerned, collective bargaining is for the purpose of the employer and the employee sitting about a table and negotiating an agreement as to not only wages but working conditions, hours and so on, by negotiation rather than by compulsion. That is, having regard to wages. The only thing compulsory bargaining, or compulsory collective bargaining brings about forcibly is the sitting around the table to negotiate, to discuss problems between each other. So, while I do not know what the idea of the Committee would be, from a legal standpoint, I do not think the authorization is wide enough to go into some of the things you suggest here.

MR. MACKAY: Being in the construction game, myself, Mr. Nicolle, I appreciate the attitude you have taken, together with your associations, in presenting your brief.

I am glad to say, and I agree with you, that the construction game over a good many years has had a collective bargaining form by which people sit down together and negotiate their wages and conditions from time to time, practically every spring.

May I suggest, Mr. Nicolle, your point is well taken under The Industrial Standards Act. I know from experience with groups in Hamilton it is most

effective. When the boys get fixed up and adjusted under it they do not know whether they get anything or something. There are no teeth in it and it is not satisfactory. It is true, as Mr. Furlong says, we are here investigating matters pertaining to labour, but might I suggest to you that you get a good, strong committee and present your case before the Minister of Labour. I am sure he will give you a ready ear and will help you and assist you over your difficulties in respect of that particular act. I know it is wrong, and I know it should be remedied.

MR. FURLONG: The Minister just spoke to me now and says he agrees with Mr. Nicolle that the Act should be changed. There is plenty of room for improvement, and I think Mr. Mackay's suggestion would be a good one for you to follow.

THE WITNESS: Thank you. Might I just state that while it does deal with some things which might not be relevant at this date with respect to his subject, there are certain suggestions which may give you a lead when you are dealing with the legislation. We have no chip on our shoulder except that we want to see it remedied.

MR. HABEL: I would like to ask if that union is registered in Quebec.

Q. Are you registered in Quebec?

A. There is a Quebec Act here. I have one with me.

THE CHAIRMAN: I am glad you mentioned it. I asked Mr. Mosher about Ontario not having a collective bargaining law and if the collective bargaining law in other provinces was satisfactory and he said, No, that he wanted the Ontario law to be away ahead and better. He has not given us details of the improvements yet, but he may later. Have you any Ontario statute which may answer all the difficulties?

A. No, but I think it is worth while that strong committees on either side should be formed. In fact, our view is that as far as our side is concerned we will be glad to meet, if you wish, with anyone you have in mind for the betterment of all.

THE CHAIRMAN: What helps one helps all, and what hurts one hurts all.

Thank you, Mr. Nicolle.

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MR. FURLONG: If the Tapmen and Waiters Protection Union is not here, Mr. Chairman, I am afraid we will have to adjourn because they are the last on the list. I would like to ask the Committee one thing before it leaves, though. If we have trouble getting finished to-morrow is there any chance of this Committee sitting a little later?

THE CHAIRMAN: To-morrow after four o'clock?

MR. FURLONG: Yes.

THE CHAIRMAN: Surely.

MR. FURLONG: On Monday, will the Committee sit at 11.30 a.m.?

MR. HABEL: Why waste all day Friday?

MR. FURLONG: There is one person who desires to be here for half an hour on Monday morning.

MR. HABEL: We could sit on Friday.

MR. FURLONG: I do not think I can get Mr. Burn here on Friday. On Monday, March 15th, the Niagara Industrial Relations Institute will take three hours.

THE CHAIRMAN: On Monday?

MR. FURLONG: Yes.

THE CHAIRMAN: We might as well start at 11 o'clock. Mr. Oliver says he cannot be here then but we will go ahead and he can join us.

MR. FURLONG: It was my thought if we started at 11.30 we could finish with a certain gentleman from Hamilton, and we could start in the afternoon with the Industrial Relations Institute. I do not think the Sawyer-Massey Association of Hamilton will show up to-morrow.

THE CHAIRMAN: I think we had better start at the regular hour of 11 o'clock and go on until 1 p.m.

MR. FURLONG: Yes.

THE CHAIRMAN: Very well; we will now adjourn until to-morrow morning at 11 o'clock.

MR. FURLONG: Will the Committee be good enough to sit on Tuesday evening in order to hear the International Association of Machinists?

THE CHAIRMAN: Yes.

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Whereupon on the direction of the Chairman, this Committee adjourned at 3.10 p.m. until 11.00 a.m., Thursday, March 11th, 1943.

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## EIGHTH SITTING

Parliament Buildings, Toronto,  
Thursday, March 11, 1943 at 11.00 a.m.

Present: Messrs. Clark (Chairman), Anderson, Gardhouse, Habel, Hagey, Newlands, Oliver, Mackay and Murray.

Mr. W. H. Furlong, K.C., Counsel to the Select Committee.

Mr. J. Finkleman, Adviser to the Committee.

Mr. J. B. Aylesworth, K.C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.

Mr. D. W. Lang, K.C., Counsel for the Canadian Manufacturers' Association (Ont. Division).

Mr. F. A. Brewin, Counsel for the United Steel Workers of America.

Mr. J. A. Sullivan, vice-president of the Trades and Labour Congress of Canada, A.F. of L., and president of the Canadian Seamen's Union.

Rev. Fern A. Sayles, 387 River Road, Welland, representing a group of union members and citizens of Welland.

Rev. Harvey G. Forster, D.D., representing the Presbytery of Niagara, United Church of Canada.

Mr. Clifford Brunett, representing Wright-Hargreaves employees' council.

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MORNING SESSION

THE CHAIRMAN: The Committee will please come to order.

Mr. Furlong, what is the first order of business this morning?

MR. FURLONG: I have some further communications in favour of the passing of the Bill, Mr. Chairman, from:

Ontario Provincial Conference of the Bricklayers' Masons' and Plasterers' International Union.

J. T. More, Secretary, Local 598, S.M.M.S.W.U.

Corporation of Port Colborne.

Corporation of the City of Chatham.

Social Progressive Club of the Spirella Company Limited:

EXHIBIT No. 99: Letter dated Kitchener, March 8, 1943, from A. W. Johnson, Secretary of the Ontario Provincial Conference of the International Union of Bricklayers, Masons and Plasterers of America, to Premier Conant:

"Kitchener, March 8, 1943.

The Honorable Mr. Conant,  
Prime Minister of Ontario,  
Parliament Bldgs.,  
Toronto, Ont.

Dear Sir:

At the recent Convention of the Ontario Provincial Conference of the Bricklayers, Masons, and Plasterers, of the International Union of America, held in the City of Kitchener February 20, 1943, I was instructed to forward the following petition to your Government.

That this Convention convey to Prime Minister Conant and his Government, our disappointment of their action in not bringing down to the Legislature, the collective bargaining Bill, that was expected by the people of the Province of Ontario.

We view with alarm the opposition by the members of the Government, and members of the Legislature, and think this Bill should have been brought forward.

It would have been of great help to the men and women workers of this Province, and we feel that there will be nothing left after the matter has been dealt with by the Committee appointed, and we petition Premier Conant to proceed with the contents of the Bill that was expected by the people at this session.

Yours respectfully,

(Sgd.) A. W. Johnson,  
Secretary of the Ontario Provincial Conference  
of the International Union of Bricklayers,  
Masons, and Plasterers of America.  
24 Mill Street, Kitchener, Ont."

EXHIBIT No. 100: C.P. telegram dated March 10, 1943, from J. T. More, Secretary, Local 598 S.M.M.S.W.U. to James Clark, Esq. Chairman, Select Committee on Collective Bargaining:

"Sudbury, Ont., March 10, 1943.

Chairman James Clark,  
Select Committee on Collective Bargaining,  
Queen's Park,  
Toronto, Ont.

The following resolution was unanimously adopted at two membership meetings of local five nine eight Sudbury Mine Mill and Smelter Workers Union to-day stop Whereas the Workers of Sudbury are Organizing into a union of

their own choice local five nine eight Sudbury Mine Mill and Smelter Workers Union and whereas the employer of most of these workers has initiated a company union to coerce their employees and prevent them from joining and participating in their union in the nickel industry and whereas such anti-labour tactics imply that the company intends to refuse and resist the efforts of their employees to bargain collectively through the union of their choice and whereas the select committee on collective bargaining did on March ninth hear representations from an individual or individuals from Sudbury who were not elected by and did not represent the workers in the nickel industry in the Sudbury district stop Therefore be it resolved that this membership meeting of local five nine eight Sudbury mine mill and Smelter workers union elect a committee to consist of miners and smelter workers and to be the union stewards of local five nine eight to state our case to the select committee of the legislature and whereas the sending of these delegates to Toronto would curtail essential nickel production be it further resolved that the select committee of the legislature be invited to come to Sudbury at its earliest convenience in order that these delegates may have an opportunity to inform the committee of the views of Sudbury workers regarding labor legislation. And be it finally resolved that this resolution be sent immediately to the Ontario legislatures select committee on collective bargaining with the request that they give this serious consideration and an answer as soon as possible stop Letter follows.

J. T. More,

12 Lisgar St. North

Secy., Local 598 S.M.M.S.W.U."

EXHIBIT NO. 101: Letter dated March 9, 1943, from D. M. Peart, Clerk-Treasurer, Corporation of Port Colborne to Premier Conant:

"March 9, 1943.

Dear Sir:

This is to advise you that at the Council meeting for the Town of Port Colborne held last night the following resolution was unanimously adopted:

'Whereas the interests of our effort demand maximum and uninterrupted war production, co-operation between labour and management and the elimination of all factors which impede production and cause national disunity; and

Whereas the adopted and proper application of collective bargaining legislation would remove one of the chief causes of industrial disputes in wartime; and

Whereas all labour organizations in Canada have appealed for collective bargaining legislation as already exists in Great Britain, the United States of America and other democratic countries and which is in accord with the principles of the Atlantic Charter to which we are committed;

Be it therefore Resolved that this Council petition the Government of the Province of Ontario and requests that it do, at the present session of the House, enact a modern Collective Bargaining Bill, and that copies of this motion be forwarded to Council of all municipalities within the Province



having a population of 4,000 inhabitants or over with a request that they endorse same and forward their endorsation to the Provincial Government.'

Would you please see that this receives your immediate consideration and that it is also placed before the Board which is now sitting to consider the drafting of a Collective Bargaining Bill for the Province of Ontario.

Yours very truly,

(Sgd.) D. M. Peart,  
Clerk-Treasurer."

EXHIBIT NO. 102: Letter dated March 9, 1943, from W. M. Foreman,  
Clerk-Treasurer, Corporation of the City of Chatham to  
Premier Conant:

"March 9, 1943.

Hon. Gordon Conant,  
Prime Minister of Ontario,  
Parliament Buildings,  
Toronto, Ontario.

Dear Mr. Prime Minister:

The following resolution of the City of Toronto was heartily endorsed by the Council of the Corporation of the City of Chatham at their last regular meeting held March 8th, 1943:

'Whereas the interests of our effort demand maximum and uninterrupted war production, co-operation between labour and management and the elimination of all factors which impede production and cause national disunity; and

Whereas the adopted and proper application of collective bargaining legislation would remove one of the chief causes of industrial disputes in wartime; and

Whereas all labour organizations in Canada have appealed for collective bargaining legislation as already exists in Great Britain, the United States of America and other democratic countries and which is in accord with the principles of the Atlantic Charter to which we are committed;

Be it therefore Resolved that this Council petition the Government of the Province of Ontario and requests that it do, at the present Session of the House, enact a modern Collective Bargaining Bill, and that copies of this motion be forwarded to Council of all municipalities within Province having a population of 4,000 inhabitants or over with a request that they endorse same and forward their endorsation to the Provincial Government.'

Yours truly,

(Sgd.) W. M. Foreman,  
Clerk-Treasurer."

EXHIBIT No. 103: Petition to the Ontario Government bearing receipt stamp date "March 10, 1943", for the enactment of a Provincial Labour Bill, endorsed by membership of Social Progressive Club of the Spirella Company Ltd.:

"PETITION TO THE ONTARIO GOVERNMENT FOR THE  
ENACTMENT OF LABOUR BILL"

We, the undersigned citizens of Niagara Falls area respectfully and vigorously demand that the promises made by the Ontario Government be kept, and that a Provincial Labour Bill guaranteeing Labour's rights of collective bargaining and trade union organization be introduced and enacted at this session of the Ontario Legislature.

We insist that this is absolutely essential so that labour-management relations will be improved through the democratic machinery and procedures of such a Bill, and furthermore, we believe that Ontario labour is entitled to such a Bill. We earnestly appeal to the Ontario Government to enact this Bill, despite the efforts of the anti-war and anti-labour forces to scuttle it, and we re-emphasize our conviction that now is the time for all-out labour-management-Government co-operation, so that there will be a plentiful supply of the weapons of war to ensure victory for the United Nations in 1943.

Sponsored by COMMITTEE TO SECURE LABOUR LEGISLATION.

Endorsed by membership of the Social Progressive Club of the Spirella Company Limited.

Secretary: (Sgd.) Marion Cunningham,  
President: (Sgd.) O. B. Bedersen."

MR. FURLONG: The first delegation to be heard this morning is represented by Mr. Fern A. Sayles of Welland.

REV. FERN A. SAYLES, Sworn. Examined by Mr. Furlong:

Q. Where do you live?

A. 387 River Road, Welland.

Q. Who do you represent?

A. I represent a group of union members in Welland and citizens of Welland.

Q. What are the names of the unions you represent?

A. There are several unions including the United Electrical, Radio and Machine Workers of America and also the Automobile Workers' Association.

Q. Have you a statement which you wish to present?

A. Yes.

Q. Please proceed to do so.

A. I have copies here for the Committee.

THE CHAIRMAN: Q. What kind of unions are they? Are they local or shop unions or international unions?

A. These are well-known unions including the United Electrical, Radio and Machine Workers of America and the Automobile Workers' Association, sir.

Q. Are they local, Canadian or international?

A. The United Electrical, Radio and Machine Workers of America is a union that has locals in Canada and the United States, and that is true of the Automobile Workers' Association; they are both affiliated with the C.I.O.

MR. FURLONG: They are all listed in the submission, Mr. Chairman.

WITNESS:—

Mr. Chairman and members of the Committee on collective bargaining, I wish to introduce the Welland delegates. I believe we have in the neighbourhood of 70 or 80 representing the people I have suggested I myself represent, and I have been appointed by them as the spokesman for this delegation. We also have with us members of the Niagara Presbytery of the United Church in Canada:

"Welland is one of the great war production centres of Ontario. The plants represented by this delegation are:

	Approximate Employees
1. Atlas Steels Limited . . . . .	3000
2. Electro Metallurgical Co. of Can. Ltd. . . . .	2000
3. Page Hersey Tubes Limited . . . . .	1200
4. Commonwealth Electric Corporation . . . . .	125
5. Joseph Stokes Rubber Co. Ltd. . . . .	350
6. Canada Foundries and Forgings Ltd. . . . .	350
7. Standard Steel Company . . . . .	150
8. Welland Iron & Brass Limited . . . . .	50

Within these plants the employees have recently endeavoured to improve conditions, morale, and production in the most democratic way possible. They requested the United Electrical, Radio and Machine Workers of America, C.I.O., to come and organize them into unions under the total-war, no strike, and labour-management production policy. During the last three months close to 4,000 Welland employees have signed union membership cards."

Then I have a note that I have taken:

"(Copy of Affidavit on Union Membership):



I, Fern A. Sayles, clergyman, of the City of Welland, Province of Ontario, take oath and say that I have examined the membership records of the United Electrical Radio and Machine Workers of America, and find more than 3,500 signed members enrolled in Welland since December the fifth, 1942.

Sworn before me at the City of Welland,  
in the County of Welland this 9th day of  
March, 1943.

(Sgd.) J. H. Flett,  
A commr. &c."

(Sgd.) Fern A. Sayles.

EXHIBIT No. 104 Affidavit of Rev. Fern A. Sayles, sworn on the 9th March, 1943.

"This delegation represents these, and other union workers, and a host of progressive Welland citizens, as shown by the large number of signatures attached to our petition to the Ontario Government for the enactment of the Labour Bill."

I have a group of these petitions, only a part of which we have as yet collected.

EXHIBIT No. 105: Undated petition to Ontario Government for the speedy enactment of Labour Bill:

"PETITION TO THE ONTARIO GOVERNMENT FOR THE SPEEDY  
ENACTMENT OF LABOUR BILL

We, the undersigned workers, employed in the district of Welland, respectfully and vigorously demand that the sacred promises of the Ontario Government be kept and that an Ontario Labour Bill guaranteeing Labour's rights of Collective Bargaining and Trade Union Organization be introduced and enacted at this Session of the Ontario Legislature.

We strongly believe that this is absolutely essential so that labour-management relations be improved through the democratic machinery and procedures of such a Bill. Furthermore, we believe that Ontario is entitled to such a Bill.

We most earnestly appeal to the Government to resist any and all efforts of reactionary anti-total-war circles and anti-labour forces to scuttle the Labour Bill, and re-emphasize our conviction that now is the time for all-out Labour-Management-Government co-operation to produce more equipment and vital weapons of war to guarantee that we on the home front will not fail McNaughton's men who must soon be commanded to cross the channel and attack the German fascist enemy on the Continent."

"We declare that total war production can only be achieved through co-operation and harmony between industrial management and labour. Therefore, we call upon the Ontario Government to bring the Collective Bargaining Bill before the House and adopt same at once.

The present shameful newspaper advertising campaign against labour on the part of the employers is an indication of an existing bitterness, calculated to disrupt co-operation and invite unwelcome and serious strife. We particularly protest against placing in the Welland newspaper, of full page advertisements covering an attack made by a Hamilton steel company upon its employees' union activities. The introduction of this studied Hamilton attack into the Welland scene, indicates the determination of certain employers to use any means, legitimate or not, to turn the general public against organized labour, and bring as much confusion and division as possible into the ranks of organized labour itself."

I have here advertisements taken out of papers recently published in Ontario, and I should like to file them before the Committee.

EXHIBIT NO. 106: Several newspaper advertisements re C.I.O. etc.

MR. FURLONG: Exhibit 106 includes the advertisement you were looking for yesterday, Mr. Chairman.

THE CHAIRMAN: Yes.

WITNESS:

"The chief source of friction centres around the denial to workers of the democratic right to organize into unions of their own choice and bargain collectively. This fundamental right of labour is established by law in Britain, with the result that organized labour has played a major roll in withstanding the Nazi air blitz and in regaining for Britain the mastery of her destiny. In her hour of peril Britain turned to the leaders of organized labour to man her war cabinet with fighting, loyal, he-men. Who then can question but that Britain has been well repaid for guaranteeing to labour the right to organize and bargain collectively? This fundamental right is likewise established in the United States by the Wagner Act. In Canada no such protection exists, although most of the provinces have provided legislation concerning the matter, that is, excepting Ontario, Canada's largest industrial province. Here, the merchants, the employers, and the professions have the right to organize and do so much to their advantage, but labour is denied that right. This denial is manifest in certain plants in Welland along the usually familiar pattern, as follows:

1. Workers upon being discovered active in the formation of a union are discharged or threatened with discharge.
2. When intimidation as above is precluded by the number of workers concerned in union activity, the employers refuse to recognize the union or deal with same regarding plant labour problems.
3. Discrimination is shown against union advocates by loss of seniority standing and even by demotion.
4. Company, or so-called 'independent' unions are organized at the first indication that the employees are organizing their own union. By

this means the employer endeavours to foist on the employees officers and policies to his own liking and choice, thereby usurping the very right, function and purpose of labour unions.

5. Inducements are offered the employees to join the company union such as time paid for union activities, promise of rapid advancement, and new concessions heretofore consistently denied.

6. A campaign of incrimination and misrepresentation is set up by the employer's company union against the union of the workers' choice. Press advertisements and hand bills are used to attack the workers' union. Renegade company agents conduct mass meetings attacking the legitimate employees' union, spreading confusion and bitterness in the mind of as many employees as possible."

Here are affidavits of which there are copies in the brief, to substantiate the statements that have been made:

"March 1st, 1943.

I, Joe Horas, hereby swear the following statement to be true:

THAT on January 4th, 2.30 p.m. Jack Runyan, Secretary of so-called Atlas Independent Union, offered me the sum of Twenty Dollars to join the so-called Atlas Independent Union.

Sworn before me at the City of Welland, in the County of Welland this 2nd day of March, 1942.	}	(Sgd.) Joe Horas.
(Sgd.) J. H. Flett, A comr. &c."		

EXHIBIT No. 107: Affidavit of Joe Horas, sworn on the 2nd of March, 1943.

Then there is an affidavit of Paul Horas:

"March , 1943.

I, Paul Horas, hereby swear the statement made by Joe Horas, pertaining to the fact that he was offered the sum of twenty dollars to join the so-called Atlas Independent Union, to be the truth as I heard this offer being made.

Sworn before me at the City of Welland, in the County of Welland this 2nd day of March, 1943.	}	(Sgd.) Paul Horas.
(Sgd.) J. H. Flett, A comr. &c."		



EXHIBIT No. 108: Affidavit of Paul Horas, sworn on the 2nd of March, 1943.

Then another affidavit by Joe Horas:

"March , 1943.

I, Joe Horas, hereby swear the following statement to be true:

THAT, on January 20th, 3.30 p.m. Keith F. Langdon, President of the so-called Independent Union, threatened me, that if the Independent Union got in I would no longer be able to hold my job as a blacksmith, but would be put down to the job of sweeper.

Sworn before me at the City of Welland  
and in the County of Welland this 2nd  
day of March, 1943.

(Sgd.) J. H. Flett,  
A comr. &c."

(Sgd.) Joe Horas.

EXHIBIT No. 109: Affidavit of Joe Horas, sworn on the 2nd of March, 1943.

Then another affidavit:

"March 1, 1943.

I, D. G. Cowan, hereby swear on my oath that the undersigned statement is the truth:

On December 20th, 1942, I was requested to attend a meeting of the Atlas Steels Employees Association where an attempt would be made to change the Employees Association into an Independent Union.

This attempt was voted out by the members of the Association.

While attending this meeting of the Employees Association we were paid our full base rate of pay.

A few days later in the same week I was again requested, by a foreman, to attend another meeting with the purpose of organizing an Independent Union, again I was paid while attending the meeting which was held on the Atlas Steels Ltd. property.

Of an attendance of nearly 40 people about half were either foremen or shift leaders and appeared to be the main instigators and organizers of this Independent Union. Mr. Jayne, the Vice-President and General Superintendent, was also present and promised the Company's fullest co-operation, also offered to get a speaker on Independent Union from the United States.

The key men and organizers went around the factory with the consent of the foreman and superintendent on company time, selling membership cards of the so-called Independent Union, to the workers by threatening the ones who were reluctant with dismissal and demotion and offering deferred payment of Independent Union dues to others.

When a worker admitted he belonged to the U.E.R.M.W., C.I.O. and C.C.L. he was subjected to abuse and threats.

To the majority of the workers of the Atlas Steels Limited this so-called Independent Union is nothing more than a poorly camouflaged Company Union.

Sworn before me at the City of Welland, in the County of Welland this 10th day of March, 1943.	}	(Sgd.) D. G. Cowan."
(Sgd.) J. H. Flett, A commr. &c.		

EXHIBIT No. 110: Affidavit of D. G. Cowan, sworn on the 10th of March, 1943.

Then an affidavit of Thomas Curran:

"March 1, 1943.

I, Thomas Curran, do hereby swear on my solemn oath the following statement to be true:

THAT during the month of December, 1942, I was approached by an employee of the Atlas Steels Limited during working hours to represent my Department, the Cold Draw, at a meeting that was taking place on Company time and on Company property. I accepted and went to the said employees Department; from there I was driven by a Company hired truck to the meeting. There were approximately 40 men in attendance at this meeting. At this meeting a Committee was elected to form this Company Union. I was elected as chairman and was instructed to contact Mr. Jayne, General Superintendent, to inform him this meeting was taking place and to request an interview with him. He chose to come this to meeting. Mr. Jayne was asked if he approved of this organization and his answer was to go ahead and bring in a constitution to the Company and they would give their approval if possible. He urged that workers take steps to legalize their union. He also said that he could get in touch with a man to help us form a union like this, namely Ardene. Then he left the meeting. Committee turned this idea down.

Committee meeting was arranged and we again met on Company property. At this meeting arrangements were made to hold Mass Meeting in High School Auditorium. At this committee meeting arrangements were made to have leaflets distributed. Following day I was approached by employee named Carter informing me that arrangements had been recently made to distribute more leaflets than committee had decided. When I asked who decided this and who was going to pay for leaflets and his answer was, 'Don't worry about this matter. It will be taken care of.' I refused to agree to this, pointing out finances were coming from unknown sources and this was NOT a Workers' organization.

However, a mass meeting was called. No enthusiasm was shown by

workers to have such set up. In fact very poor attendance showed this point.

At this committee meeting on company property suggestions were made to comply with Mr. Jayne's proposals and bring Ardene to Welland. I objected to this and an employee left meeting and came back in approximately two minutes and announced arrangements were cancelled to bring Ardene.

I resigned the chairmanship and desired to join a UNION OF THE WORKERS.

Sworn before me at the City of Welland,  
in the County of Welland this 2nd day of  
March, 1943.

(Sgd.) J. H. Flett,  
A commr. &c.

(Sgd.) Thomas Curran."

EXHIBIT No. 111: Affidavit of Thomas Curran, sworn on the 2nd of  
March, 1943.

"March 8, 1943.

I, John Christopher, do hereby swear on my solemn oath the following  
statement to be true:

THAT in the month of December, 1942, I attended a meeting called  
by the so-called Atlas Independent Union and during which time I should  
have been working, but was given time off with full pay to attend said  
meeting which was held in the High School Auditorium.

This meeting lasted approximately three hours. Upon returning to  
work no questions were asked as before attending said meeting a list was  
prepared and given to company police giving them the privilege to grant  
permission to approximately 40 workers to attend said meeting. At this  
meeting a company foreman was present.

Sworn before me at the City of Welland,  
in the County of Welland this 9th day of  
March, 1943.

(Sgd.) J. H. Flett,  
A commr. &c.

(Sgd.) John Christopher."

EXHIBIT No. 112: Affidavit of John Christopher, sworn on the 9th of  
March, 1943.

Then an affidavit of Margaret Gulas:

"March 8, 1943.

I, Margaret Gulas, hereby swear the following statement to be true:

THAT on March 5, 1943, I met Margaret Molnar and she explained  
to me that she was one of the 20 girls who had received a notice of separation



from Atlas Steels Company a few weeks ago. She told me that the Company informed her that they were forced to let her go in order to get rid of the other 19 girls who were C.I.O. members but that because she was a member of the Independent Union a job was waiting for her in another department. That the Company advised her to go to the Selective Service and get another permit to return to work. She did so and got a job in another department at Atlas Steels.

Sworn before me at the City of Welland,  
in the County of Welland this 9th day of  
March, 1943.

(Sgd.) J. H. Flett,  
A commr. &c.

(Sgd.) Margaret Gulas."

EXHIBIT No. 113: Affidavit of Margaret Gulas, sworn on the 9th of March, 1943.

I have still a further affidavit that is not included in the brief. I would like to present it now:

"March, 10, 1943.

I, John Christopher, do hereby swear on my solemn oath the following statement be the truth:

I am the Chief Steward in my Department.

I am on the Negotiating Committee for the Atlas U.E. C.I.O. Union.

On March 2nd, 1943, I was the spokesman for the organized workers, and citizens of the City of Welland before the City Council, asking them to endorse the Collective Bargaining Bill.

On March 4th, 1943, I took part in a conversation along with approximately 17 men, during my lunch hour on Atlas Steels property. I asked a Mr. Boyington how much he had been getting paid before he had come to Atlas Steels. He replied that he had been getting 20 cents per hour and that he was now getting much more on his new job. I answered, 'Apparently you wouldn't be interested in joining a union.' He answered that he was not.

On March 6th, 1943, I received a dismissal slip without seven days' notice, from the Atlas Steels Limited, stating reason as 'open solicitation and demoralizing the workers.'

Sworn before me at the City of Welland,  
in the County of Welland this 10th day of  
March, 1943.

(Sgd.) J. H. Flett,  
A commr. &c.

(Sgd.) John Christopher."

EXHIBIT No. 114: Affidavit of John Christopher, sworn on the 10th of March, 1943.

Then at the end of the affidavits there is this statement:

"The Atlas Steels Company 'Independent' Union, without authority from the employees, sent representatives to appear before members of the Ontario Cabinet and in the name of the workers of Atlas Steels whom they falsely claim to represent, declared their opposition to the Labour Bill and protested against its presentation to the House. Our presence and numbers here indicate the true attitude of Atlas workers, repudiating the company union declaration and demanding the Labour Bill forthwith."

To substantiate some of the claims I have previously made, I have here some of the Bills relative to the mass meetings that have been called by the union, and I would like to read enough to give you an indication of the type of language used:

"C.I.O. ARE LIARS

Mr. Roy H. D'Ardenne was paid by the Independent Union and not by the Atlas Steels, Ltd. The management has absolutely nothing to do with Independent Union. Don't let C.I.O. quizzlings tell you any different."

Then at the foot of the sheet appears this statement:

"Let's all go independent and go on a working spree,  
Lick Hitler and the C.I.O. and keep our workers free."

I would suggest that to link up the C.I.O. with Hitler, and to promote fighting against and licking the C.I.O. is not furthering our war effort, but has an adverse tendency that we should not welcome at this time.

Here is another specimen in a Bill headed: "To All Atlas War Workers":

"Don't let your outside union tell you that, at some time or other, all Welland plants had company unions. They may have had Employees' Associations, and the like, but certainly no independent unions."

Then here is a Bill that refers to the meeting I mentioned, showing that D'Ardenne did come to speak to the independent union. Apparently the independent union is not only critical of outsiders but decides itself to bring in their agents from another country.

I do not think it is necessary to present at this time the letter that the city council has forwarded to the Committee.

MR. FURLONG: It is already filed.

EXHIBIT No. 115: Bundle of newspaper advertisements re C.I.O. etc.

WITNESS:

"The above incidents are examples of deliberate provocation of the employees by the employers. Yet the constructive and patriotic policies of the unions in our area are carried forward, as is proven by the fact that no strike, slow down, or stoppage of any kind has taken place.

To continue, however, to allow the employers and their company unions to harass and provoke the employees who seek to exercise their legitimate right to organize and bargain with their employers, is to invite the very strike the employers pretend to fear and condemn.

Where such conditions are allowed to exist, harmony and co-operation between management and labour are impossible. Labour becomes restive and militant and the stage is set for the tragedy of a war-time strike. To avoid this situation the Nazis adopt a policy of the complete suppression of labour. There is only one other alternative, and that is the adoption and protection by law of the democratic policy of free labour organization with collective bargaining rights.

Legislation to guarantee this right has been consistently promised to the workers by the leaders of the present Ontario Government. The fulfilment of this promise is already overdue.

After the cabinet session of September 1st, 1942, Hon. Peter Heenan announced a Bill providing 'freedom of association and collective bargaining.'

The Globe and Mail of September 15, 1942, reports Mr. Heenan as saying the Ontario Government planned legislation 'recognizing and giving labour the right to organize and bargain collectively.'

The Canadian Tribune of February 13, 1943, reported highlights of Ontario Premier Hon. Gordon Conant's address to the Kingston Chamber of Commerce on January 29th, 1943. He said, 'It has previously been announced that there will be introduced at the next session of the Legislature, commencing on February 9th, an Act to provide for collective bargaining between employers and employees. . . . I do believe . . . that it will help by giving a feeling of security to labour and certainty to management in the machinery it provides for determining the bargaining agency in industry. It will also give legal status to unions or associations of employees, a thing that has always been lacking in this province.'

These promises have raised the hopes of the employees we represent. To so raise their hopes and then to dash them to the ground in the present apparent about-face of the government, not only turns the workers of Welland against the government, but smashes at morale and dangerously pulls back to the strike alternative, despite the no-strike policy of our unions. To fail to fulfil these promises is to endanger Canada's destiny among the United Nations; while the fulfilment of the promise to make true collective bargaining effective now, will place Ontario in a position to lead the nation to unequalled productive attainment.

That unequalled productive attainment is now the order of the day for Canada. The symbol of the required action now is found at Casablanca.



There the allied nations sat in conference united in the service of a common goal. There total effort for total offensive war on all fronts by all forces was planned, exacted, completed. Ontario's employees and Ontario's employers are part of these forces. We must follow that example and contribute our full effort toward the total destruction and unconditional surrender of the axis powers. Premier King has called for such conduct on our part. In his speech of February 22 he said, 'I can see where this year the need for co-operation of all classes of our country will be greater than at any stage.' Well, collective bargaining heralds that co-operation, and labour, organized democratically and protected by law, makes it possible.

The people we represent support the demand of Ontario Labour for immediate legislation, guaranteeing labour's right to organize making collective bargaining compulsory, and outlawing company unions."

Mr. Chairman, I would like to introduce to the members of the special Committee John Christopher of Atlas Steels. I will ask him to say a few words to you.

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JOHN CHRISTOPHER, sworn. Examined by MR. FURLONG.

Q. Where do you live?

A. 36 Elm Street, Welland.

Q. I take it that you work for the Atlas Steels Company?

A. I do.

Q. Are you a member of the union?

A. I am a member of the U.E. (C.I.O.).

Q. Proceed?

A. I would like to say that I am one of the several examples of discrimination in the Atlas Steels. As my affidavit states I have been an active worker for the union, and spokesman for over 4,000 organized workers in the City of Welland, and I am on the negotiating committee and chief steward in my department. My department is 100 per cent U.E. (C.I.O.), and my dismissal was nothing less than a deliberate attempt to smash our union.

Q. What proportion of the employees are unionized in your plant to-day?

A. I think we have a good majority.

Q. Have you asked for a bargaining agreement yet?

A. We tried to contact the management, but they were always too busy to see us.

Q. You have not been able to get around the table with them yet?

A. That is correct.

Q. Proceed?

A. I feel that after the Committee have heard our brief it should help to convince them of the need for collective bargaining against employers who have this dirty, discriminating attitude towards the workers.

Q. You want to be free to choose your own union, and when you have a majority you want to be able to sit down with your employer and negotiate an agreement?

A. Yes.

Q. I think the Committee pretty well understands that from your brief?

A. Thank you.

MR. ANDERSON: Mention has been made in the brief of an independent union in the Atlas Steels Company. When did the independent union begin? When was it formed?

A. The independent union started after the U.E. (C.I.O.) came to town.

Q. After your union activities began?

A. Yes. We mention in our brief that the independent union is sponsored and promoted by the Atlas Steels Company. I was one of the 40 workers paid to attend the meeting.

THE CHAIRMAN: Q. I take your evidence to be that the management showed extreme enthusiasm for a company union after your union started to organize the workers?

A. That is correct. I think that is a rotten proposition on the part of the company.

Witness withdrew.

MR. MACKAY: Mr. Chairman, I would like to ask Mr. Sayles a question with respect to the approximate number of employees of the eight companies set out on the first page of his brief.

THE CHAIRMANN: Very well.

REV. FERN A. SAYLES resumed the stand.

MR. MACKAY: Q. Do you intend the number of employees shown at the head of page one to represent the total number of employees working in the firms shown?

A. Yes; that may not be the exact number by any means.

Q. The approximate number?

A. Well, for instance, Page Hersey Tubes Limited should have a greater number of employees indicated, but we tried to think in terms of how many would be eligible for union membership in that plant.

Q. Is it fair to ask you what percentage belong to the unions which are represented here?

A. What percentage?

Q. What percentage of this group belong to your organization?

A. We have 4,000 members.

Q. Out of the 7,000 odd?

A. Out of the number indicated; that is very close to it.

MR. HAGEY: Q. When did the first union activity commence?

A. There was a certain recommendation or request brought by one man in one of the plants for a union to some of us who are interested in labour by reason of our own working experiences. This man said: "We have 300 or 400 men who are ready to join and sign at any time." We said: "Can you prove that?" He said: "I can get you a list of names." Within a few days this man came along with the names of 300 to 400 men signing to indicate that they would like to have a union. This request was sent on to the United Electrical, Radio and Machine Workers' Union with the request that they should do something about it if they could. Apparently they considered it seriously, and came to Welland on December 6, 1942.

Q. Your troubles have not been of very long standing if you started to organize only last December?

A. Not of long standing so far as this particular phase is concerned, but we have had plenty of labour difficulties in the past with men trying to organize.

MR. OLIVER: Q. Prior to December, 1942, there was no union of any kind in Welland?

A. Not for some years.

Q. Not even a company union?

A. Yes, there were evidences of company unions in Welland.

Q. I understood that the company unions started after your activities commenced?



A. That was in the Atlas Steels.

THE CHAIRMAN: Q. You said a man came to you and somebody else and "We asked him how he knew the men wanted to join the union?" Who are the "We"?

A. There are a number of men in Welland such as Mr. Katzman, a merchant in Welland—

Q. I am not asking the question in any offensive way. Everybody has a perfect right to be interested in union activities. I notice you set out that you are a clergyman. Is the name "Sayles" a Scottish name and do you belong to the Presbyterian Church in Canada?

A. No; I belong to the United Church in Canada.

Q. And it is through your duties as you see them, as a clergyman of the United Church in Canada, that you are interested in this social question?

A. Yes.

Q. And the workers came to you and Mr. Katzman and some other citizens of the community?

A. Yes. I might say that I have been working in the All People's Mission in Welland for the last seventeen years.

Q. What is the name of that mission?

A. The All People's Mission. Our work is largely among non-Anglo Saxon people, as is my particular church work, and I feel it is largely social service work, dealing with the problems of non-Anglo Saxon people. Also I have had very pleasant relations with a good many of the heads of the firms there, and on a good many occasions I have gone in and talked to the managers about cases of discrimination, and so on, and have tried to clear up individual cases. Now, on the basis of my experience in this kind of work it is my conclusion that it is impossible to deal with these problems in that way, and that only as labour is organized, and as the right to organize and speak for itself and as it is possible to get management to recognize that labour has that right and deal with them can the problems we have had all through these years be solved.

MR. GARDHOUSE: Q. Have you talked with the management of Atlas Steels?

A. Not on labour problems. It is a big firm, and a rather recent firm.

MR. MACKAY: Q. Have any of the eight firms named at the head of your brief co-operated with the union?

A. So far as I understand. After all, I am not a union organizer and am somewhat of an outsider; but I understand that some of these firms have been what we would call pretty decent.

MR. OLIVER: Q. Have any of them entered into collective bargaining agreements with the employees?

A. I believe that as yet, while they have been very decent and said they would co-operate with the union, in some cases it has not been possible to get them to the place where they would agree to collective bargaining.

MR. ANDERSON: Q. There has been no agreement signed by the Atlas Steels?

A. Not to my knowledge.

Q. Or by Page Hersey?

A. To my knowledge, no.

Witness withdrew.

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MR. FURLONG: Who is your next witness?

MR. SAYLES: Mr. Thomas Curran of Atlas Steels.

THOMAS CURRAN, sworn. Examined by MR. FURLONG:

Q. Do you live in Welland?

A. I live at Stop 19, Welland, R.R. No. 2, and I work for the Atlas Steels Limited of Welland.

Q. Are you a member of the union?

A. Yes, I am a member of the U.E. (C.I.O.).

Q. Please tell your story to the Committee?

A. I am here representing the majority of the workers at the Atlas Steels Company.

THE CHAIRMAN: Q. How do you know you represent the majority?

A. Because I work there, and I come in contact with all the workers daily and I know how they feel.

MR. ANDERSON: Q. How long have you worked there?

A. Approximately three years at the Atlas Steels, come April. It is their desire that they have a Collective Bargaining Bill, not just any sort of a Bill but a Bill that will not be full of loopholes that will permit individuals singly or collectively to jump through it and turn it into a scrap of paper, as has happened in the past. The workers want this Committee to recommend to the House that they immediately pass this Collective Bargaining Bill for us. It is our

democratic right to have a voice in how things should be run in this country, and we feel that such a course, if followed, will enable us to go back into the plants and produce not only a larger quantity but better quality of material in order to help to finish this war more quickly. Some people may think our actions are hindering that objective, but that is not true. Sixty per cent of our class in the armed forces, and we want to ensure that as many of our brothers, sisters, fathers and husbands as possible shall return to us without having been shot up or injured. We in Ontario are citizens of Canada, which is a member of the Allied Nations, many of which, such as Great Britain, New Zealand, Australia and the United States, have Collective Bargaining Bills. When Mr. Churchill was asked by the mine heads to bring about a greater coal production he said that organized labour was the only medium through which that could be done and called upon the labour heads, and later complimented them. When organized labour has done so much for Great Britain it can do more for us.

In regard to the independent union, if any of the gentlemen sitting here were in the plants in the Welland district you would appreciate the disgraceful conditions obtaining there. Company union men are allowed to take the men away from their machines in the shops and talk with them about why they should join this company union and not join the U.E. (C.I.O.). On one Sunday—I cannot give you the date now, but I work seven days a week in that department—Carter, whom I have mentioned in my affidavit, along with Keith Langdon, the president, came into the cold draw department and started talking about union activities and took quite a number of men away from their jobs to tell them why they should join the company union. Nothing was said about this but if a U.E. (C.I.O.) member dared to talk about the U.E. there would be discrimination. We have a number of cases of discrimination in the Atlas Steels.

THE CHAIRMAN: Q. Do you mean men discharged?

A. Johnny Christopher has been discharged for soliciting membership and demoralizing the workers. We want a Collective Bargaining Bill and we ask the government to protect us. The government are our representatives whom we put into power, and we want the government to give us the right to organize ourselves in a democratic form so that a vote shall be taken, if it is the desire of the workers to do so, in each individual and separate plant. The Atlas Steels has shown great desire to recognize the minority independent union, but they are not our representatives. When they came before you they did not tell us they were coming. They did not come to us and say: "Do you desire to come with us before the Select Committee on collective bargaining or do you want us to represent you, and if so, what do you want us to say as your representatives at Queen's Park?" They said nothing about it. These delegates you see here, Mr. Chairman, have been nominated and elected by the workers of the various plants to come here and put our case before you.

Q. How are they elected?

A. I believe the Electro-Metallurgists are highly organized, but I am employed by Atlas Steels.

MR. OLIVER: Q. In answer to a question put to you by the Chairman you



said that you felt you had a majority in the plant. Would you not know whether you had a majority in the plant by your union membership?

A. I am not an organizer for the union, sir; I am a worker who believes in this U.E., and outside of company property and company time I do, of course, talk union activities.

MR. FURLONG: Q. Has there been any effort on the part of U.E. (C.I.O.) to have a vote taken in the plant?

A. Yes.

Q. What happened?

A. No result from management; I suppose they were too busy, or something like that, but we got no answer.

MR. HAGEY: Q. Who approached management, the elected representatives of your union?

A. Yes.

Q. And management refused to bargain?

A. I would not say they refused. It depends on what you mean by "refused". You see, I am a worker, and have not a vocabulary wide enough to choose the proper words, sir.

Q. I am not trying to trap you, but merely asking you a question.

A. Yes.

THE CHAIRMAN: I think you are too modest, Mr. Currán.

MR. FURLONG: Q. You are not an officer of the union?

A. I am steward in the U.E. (C.I.O.), a recognized steward.

THE CHAIRMAN: Q. You would not want the task of putting the words in this Bill?

A. Well, I could put the words in the Bill, because as a worker I know what I want. I could not phrase it properly, I will admit, but I could put the real meaning in there, the meaning the working class has in mind, because I am a worker and I know the feelings of the workers. We workers know what we want. (Prolonged applause from the audience.)

Witness withdrew.

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REV. MR. SAYLES: Mr. Chairman, I would like to introduce to this Committee at this time the Reverend Dr. Harvey G. Forster of the Niagara

Presbytery. Dr. Forster is a citizen of Welland, a member of the Board of Education, and the holder of many appointments. He is an active member of our Presbytery and has been asked by the Presbytery to speak to the resolution that has already been sent to you. Dr. Forster is also a member of this delegation, appointed at our mass meeting in Welland for this purpose.

REV. HARVEY G. FORSTER, D.D., sworn:

WITNESS: Mr. Chairman and gentlemen, I am happy to support the brief which has been presented. As a citizen of Welland I feel that the brief has made out a case for collective bargaining in Welland.

I have also been commissioned by the Presbytery of Niagara, United Church of Canada, to present the finding of the Presbytery of the church on this matter of collective bargaining:

"The Presbytery of Niagara, United Church of Canada, representing fifty-nine United Churches in the Niagara area and 25,500 United Church people, at its meeting in St. Catharines on February 23rd, 1943, passed the following resolution:

'In keeping with the pronouncement of General Council on the necessity of collective bargaining guaranteeing to labour equal bargaining power, this Niagara Presbytery endorses the demand of labour for the right to bargain collectively through unions of their own choice and calls upon the Ontario government to bring before the Provincial House a Collective Bargaining Bill and adopt same without further delay.'

The pronouncement of General Council to which reference is made, is the pronouncement of the General Council of The United Church of Canada, representing some two millions of people, over one million of whom live in the Province of Ontario, at its meeting in Belleville, in September, 1942, where the following resolution was passed:

'Whereas the General Council has upheld collective bargaining; whereas the Government of Canada by order-in-council has affirmed that labour should be free to organize in trade unions of their own choice; whereas organized labour has repeatedly affirmed its full support of the nation's war effort; and whereas we are now in the midst of a World War; and

Whereas the principle of collective bargaining has been well defined in the American Supreme Court decision of Chief Justice Hughes, which reads as follows:

The right of employees to self-organization and to select representatives of their own choosing for collective bargaining is a fundamental right. Long ago we stated the reason for labour organizations. We said that they were organized out of the necessities of the situation; that a single employee was helpless in dealing with an employer; that he was dependent ordinarily on his daily wage for the maintenance of himself and family; that union was essential to give labourers opportunity to deal on an equality with their employer. Discrimination and coercion to prevent the free exercise of the

right of employees to self-organization and representation is a proper subject for condemnation by competent legislative authority. (Page 21, Senate Document No. 51, 1937, National Labour Relations Board vs. Jones and Laughlin Steel Corporation.)'

Be it resolved that:

(1) This Council reaffirms its emphatic endorsement of the principle of collective bargaining, independently of the issue of the closed versus the open shop.

(2) This Council urge the Government of Canada to secure enactment of a Collective Bargaining Act.

(3) This Council urge the Government of Canada to give organized labour full, direct and representative membership on war-time control boards, directly affecting Labour and its relations.

(4) This Council urge the Government of Canada to encourage the formation of joint management-labour war production committees in all war industries.

Further, General Council accepted the definition of collective bargaining as follows:

'Collective bargaining is the bargaining that takes place between employers and employees acting in groups as under the conditions imposed by the employer's associations and labour unions of the present day.'

The Hamilton Conference of the United Church of Canada, representing 140,000 United Church people, at its meeting in Hamilton, in May, 1942, passed the following resolution:

'We place on record our deep appreciation of the expressed desire of labour to forward the war effort. We urge that organized labour be given full responsibility through direct representation on government boards and commissions, through the establishment of joint management-labour production committees in all war industries. We urge that the right of collective bargaining be made mandatory through legislation.' "

Now, Mr. Chairman, might I add a word as to the position of the Church and its point of view?

THE CHAIRMAN: Certainly.

WITNESS: It has passed these resolutions on collective bargaining, first, because of its own basic affirmation in the worth and dignity of the individual man; that labour is not a chattel to be bought and sold as we buy and sell machinery; that the individual has dignity and worth, and through collective bargaining he will be able to assert that dignity and value.

Secondly, the Church is committed to the war effort, believing that the de-



struction of Nazi and Fascist forces is essential, and believing that through collective bargaining war production will be increased.

Yesterday I received a copy of the *Malvern Torch* which is published by the churches in Great Britain. It has these significant words:

"There is an increased determination in the factories to arrive at the maximum production, and this, it is interesting to note, is largely due to the increased influence of the shop stewards."

(Prolonged applause from the audience.)

I need not quote to you the section of the Wagner Act of the United States which, out of the long experience in the United States, supports collective bargaining as a productive measure.

Thirdly, the Church believes in collective bargaining as an educational process and as a training in democracy. Labour unions carry on a large educational campaign among the employees. To quote my old professor, Henry R. Seagar:

"Labour unions are themselves training schools in democracy. As miniature democracies they reproduce on a smaller scale the self-governing states on whose success the future success of civilization so largely depends. Members learn in labour unions how to give way when they cannot persuade; how to sacrifice smaller for greater things; and how to defer without rancour to the opinions of others—qualities which are essential to the successful working of democratic institutions."

Therefore, because of the interest of the Church in the value of the individual man, and in the elimination of strife in the community, and the development to the full of our war production, and because of its interest in democracy, the United Church of Canada, Presbytery of Niagara, has passed these resolutions. (Applause from the audience.)

Witness withdrew.

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MR. SAYLES: Mr. Chairman, we have presented our brief and our speakers, and I think we have finished our case. As one who has worked with the workers and has some knowledge of their attitude and spirit at the present time, I believe there is no need to doubt the wisdom of providing for the workers this right they seek, and of convincing those who do doubt that we are facing a new age and entirely new conditions and must face them either in this democratic, intelligent, planned way, or take a chance of facing them through crisis.

I believe it is possible for organized working people not only not to lessen production but to heighten production and make conditions pleasant, so that in the days that are to come the manufacturers will themselves recognize that fact and accept it as simply an evidence of the march of time. And it will avoid a very serious situation, as I see it as a citizen in the city of Welland.

THE CHAIRMAN: I think I can speak for all the members of the Committee

when I say we appreciate your coming here, and the manner in which you and the other members of your delegation have presented your views. I hope you will return to your city realizing that we have a rather difficult task to perform. I do not think there is any member of this Committee that is not in full accord with the excerpt from the decision of Chief Justice Hughes as read out this morning. Our difficulty, of course, is in the mechanics of the legislation. We have sat here for several days and have heard many conflicting submissions. I was quite interested in Mr. Curran's statement that he could frame the Bill in a manner which would express the views of the workers.

MR. CURRAN: Give the Bill to the workers and we will frame it! (Prolonged applause from the audience.)

THE CHAIRMAN: Mr. Sayles, here are forty-one pages of material covering the Acts of other provinces in Canada. Ontario has not yet passed such an Act. Quebec has a Bill. Other legislation is being prepared now covering Australia, New Zealand, the United States and elsewhere, so you will appreciate that our task is not the easiest one, in recommending any finished Bill that we are able to draft. It is not because of any lack of desire on the part of any member of the Committee, for all our hearts are in the right place. To-day a great many of the employers have asked their employees to organize into unions so that they can deal with them collectively, and they are getting along very well. It is the old question of getting down to the five per cent or ten per cent who refuse to see the swing of the times.

MR. SAYLES: May I thank you, sir, for the very kindly and friendly way in which you have received our delegation. We appreciate the fact that you have a very difficult task to perform, but we also hope, sir, that you will measure up, as we are sure you will. We feel that whether it is difficult or not, this situation must be faced, and we have confidence that you will face it.

THE CHAIRMAN: We will do our best.

Witness withdrew. (Prolonged applause from the audience.)

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MR. FURLONG: Is Mr. Reese of the Kirkland Lake Central Committee in the audience?

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CLIFFORD BRUNETT, sworn. Examined by MR. FURLONG:

Q. Where do you live?

A. Kirkland Lake, Ontario.

Q. What organization do you represent?

A. I represent the Wright-Hargreaves Employees' Council.

Q. Is that an independent union?

A. Yes.

Q. Are you an officer of that union?

A. I am vice-chairman of the Wright-Hargreaves Employees' Council, and have been appointed by our representatives to read this brief to you.

Q. How many members are there in the association?

A. No other union or organization has furnished the Committee with the number of members, and we feel that we would not like to give that information now.

Q. Perhaps I can get the answer in another way. How many employees are there?

A. Approximately 3,000 now.

Q. And do you claim to represent a majority of those employees?

A. We do.

Q. I think that answers the question. Proceed, please.

A. Thank you.

Mr. Chairman, we did not have any lawyer to represent us or to assist us in drawing up our brief. It contains the workers' own views, and if it seems to be somewhat crude in language, we hope you will bear with us. We will try to present to you our concern about any proposed legislation. We have kept our brief brief, because we feel more capable of co-operating with your Committee this session. We would like to state now that we do not wish to oppose any union or organization, whether C.I.O. or A.F. of L. or any other independent union.

SUBMISSION BY THE INDEPENDENT ORGANIZATIONS OF THE EMPLOYEES OF  
KIRKLAND LAKE AND DISTRICT GOLD MINES, MARCH 11, 1943,  
PRESENTED BY CLIFFORD BRUNETT.

"Mr. Chairman, the independent organizations of employees of Kirkland Lake and District gold mines heartily commend the Government of Ontario on its intention to pass labour legislation safeguarding the rights of labour to organize and giving legal status to its organizations. We applaud the Government's action in setting up a Select Committee on Collective Bargaining to get a comprehensive picture as to who is labour in this province and to learn their views on this very important matter.

We respectfully submit the following views to the Select Committee regarding the drawing up of any collective bargaining legislation:

(1) It is our opinion that unions and associations of employees should be given legal status.



(2) We believe that employers should be obliged to enter into and abide by any collective bargaining agreement made with representatives of the majority of their employees.

(3) We agree with the principle of 'Freedom of Association', the democratic right of any man to join the union or association of his own free choice.

(4) Elections

(a) When elections are held to decide who represents the majority of employees and who is to be the collective bargaining agent, they should be done by secret ballot and should be conducted properly.

(b) If the elections are not supervised by the Minister of Labour, provision should be made that if he is not satisfied with the way the collective bargaining representative was elected, he may cause another election to be held under his supervision.

(5) We feel that it should not be lawful for any employer to dominate, or interfere with the formation or administration of any lawful organization of employees.

(6) In our opinion provision should be made that where a collective bargaining agreement has been entered into, any group of employees, after the end of one year from the time of the date of such an agreement, may petition the Minister of Labour to confirm the right of the bargaining agency to bargain for the employees by holding an election. If it is found that the agency has not that right then the organization with the majority of the votes of the employees should be named the lawful bargaining agent.

We have outlined our views and we would like to state that our individual organizations have now, or have under negotiation, collective bargaining agreements with their respective employers. These cover wages, hours of work, working conditions, holidays with pay . . ."

I might mention that we have six days holidays with pay in force now, Mr. Chairman.

" . . . (subject to the ruling of the National War Labour Board), seniority and grievance procedure. Besides, we have many agreements covering group life and accident insurance, medical schemes, pension plans, contributions to the United War Charities Overseas Tobacco Fund, etc.

The above is briefly our concern and which we respectfully submit."

MR. FURLONG: Just one or two questions, Mr. Brunett. How is your organization formed? Is it formed by vote of all the employees?

A. All the employees vote. We have a secret ballot to nominate those members who are going to run for elections. Any employee has the right to vote by secret ballot to nominate any member for election. For the election of officers we bring in a neutral, and at our last election on November 27 we had a

C.I.O. member or international member of the United Steel Workers who was on strike, and also a man who was not on strike, to count the ballots to decide who were elected.

Q. And that election is held entirely under the supervision of the employees?

A. Yes, the company has no part in that election.

Q. How long have you been operating as an organization?

MR. A. GRAHAM (Lake Shore Gold Mines):

Mr. Chairman, may I answer that question?

THE CHAIRMAN: Yes.

Mr. Brunett stood aside.

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ARCHIE GRAHAM, sworn. Examined by MR. FURLONG:

Q. Can you answer that question?

A. No doubt you gentlemen and the public are aware of the trouble we had a year ago this winter. We asked for an investigating committee to come up to Kirkland Lake.

THE CHAIRMAN: Q. You asked whom?

A. The government.

Q. Which government?

A. The federal government. Our request was granted, and after the investigation the Honourable Humphrey Mitchell, Minister of Labour, advised that workers' committees be set up to approach management on the various questions at issue. Trouble was brewing. A bunch of people already had been through strikes. Then I do not say a majority but a number of the workers got together and asked each other if we could not form something by which we could approach the different managements throughout the various mines and try to reach something like what the workers wanted. We tried to organize. Union organization was strong. We organized. We did not have a majority. The strike came.

Q. When you say "we" who do you mean?

A. The workers' councils.

Q. The workers' councils did not have a majority?

A. We did not, sir.

Q. Was it a fair ballot?

A. Pardon me

Q. Was it determined by a fair, secret ballot that you did not have a majority?

A. We never took a ballot at that time. We tried to form this organization.

Q. How was it determined that you did not have a majority?

A. I am leading up to that. Shortly after that there was a strike vote taken, and we came out on strike. As a result of the vote on the strike it was definitely shown that the union organization had a majority. The strike lasted three months. After everybody was back to work that could be brought back to work we went ahead, and the union could not get anywhere. We tried to organize under the workers' councils and told them that our aims and objects were for them and nobody else, that we were workers the same as themselves. I worked during the strike. We told the men in Lake Shore Gold Mines we were calling an election in June, and from our payroll we got a 56 per cent majority of all employees eligible to vote, every man on the payroll except the office staff, department heads, captains and shift bosses, and all other persons having power to hire or dismiss, who are excluded from the workers' councils. The employees elected each committee. That is how the organization came into being.

MR. FURLONG: Q. It functions by the men without any domination on the part of the company or any interference at all?

A. Entirely without any domination by the company.

Q. Yes.

A. There is a point I would like to make clear in the minds of the members of this committee and the public generally: we as an independent union solicit funds from our employees. We are not in a position to pay rent for a hall because rents are dear in the north country, so we use a recreation hall that has been there ever since I went to Lake Shore fifteen years ago for the purpose of holding our meetings, which are held on Sunday afternoons when the employees can attend. We get fairly good turn-outs, depending on the weather and the feeling of the employees, but there are no company representatives at any of our meetings. Everything is done by the men.

Q. Have you negotiated agreements with your companies

A. We certainly have, sir. Would you like to have a specimen copy? We do not say it is letter-perfect, but it is as good as we can put it. That agreement seems to embody what the employees wanted.

EXHIBIT NO. 116: Collective agreement between Lake Shore Mines Ltd. and Lake Shore Workmen's Council, dated December 9, 1942, replacing agreement of March 16 1942:



- EXHIBIT No. 117: Agreement and Constitution of Employees' Council of Wright-Hargreaves Mines Limited, dated November 27, 1942.
- EXHIBIT No. 118: Agreement and Constitution of Sylvanite Employees' Association, dated December 30, 1942.
- EXHIBIT No. 119: Wright-Hargreaves Mines Limited Employees' Medical Aid Plan.
- EXHIBIT No. 120: Wright-Hargreaves Mines Limited Employees' Medical Committee.
- EXHIBIT No. 121: Lake Shore Mines Employees' Sickness and Accident Benefit Plan and Employees' Pension Plan.
- EXHIBIT No. 122: Envelope marked "Kerr-Addison Gold Mines, Limited"—This envelope contains details of arrangements in effect for the benefit of employees and their families. Read the contents and keep for future reference—take care of it?—and containing material re group insurance, medical aid plan, plan for holidays with pay and Income War Tax Act.
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Through our organization we went to the management and asked for a Sickness and Accident Benefit Plan to protect our workers if they fell sick as the result of a non-occupational accident. Any employee who wishes to participate in this plan pays one dollar per month and the company contributes fifty cents a month for every dollar that is contributed by the workers. Employees receive \$15 per week for a period not exceeding thirteen weeks for lost time due to non-occupational accident or sickness. The workers' council have full supervision over the Sickness and Accident Benefit Plan.

We have also an Employees' Pension Plan that has been put across since our employees were elected to the committee.

Then we have a Medical Aid Plan second to none in Canada which costs \$2.75 per month and covers the worker and his family for sickness, maternity cases, and operations.

THE CHAIRMAN: How many delegates or representatives of the employees do you elect to meet with management?

A. We have twelve men on the committee. Eight men are elected from underground and four men from the surface.

Q. And those twelve representatives of the employees meet with how many men on the management?

A. In the mines as well as in other industries there are different departments. If it is a department underground the representatives from under-

ground meet the supervisory staff from underground. There are four captains underground. Our eight representatives from underground will meet the four captains. If it is underground the company have five and we have eight; if it is surface, we have four and they have four.

Q. And if there is a tie vote on certain questions, what do you do?

A. If we cannot arrive at a decision through agreement we can appeal to the Department of Labour for decision.

Q. And it is working out all right as far as you are concerned?

A. As far as our employees are concerned, it certainly is. We have 77 per cent of the eligible employees covered under the pension plan. I do not want to go into detail on that. Under our medical aid plan we have 100 per cent covered. Under our sickness and accident plan we have 92 per cent of the employees covered. We have a payroll of approximately 725 in the Lake Shore Gold Mines, and we have met with good success so far.

MR. C. S. JACKSON: Q. I wonder whether you would inform the committee as to just when the formation of the group took place, whether it was before you struck or during the strike that the major membership was built up in this employees' council.

A. As I tried to explain, we had Lake Shore organized in December when this investigating committee was in Kirkland Lake.

THE CHAIRMAN: Q. After the strike?

A. After the strike in June. We asked if the employees wanted an election, and they said they did. We put on an election in June and got 56 per cent of the employees; men who already had been on strikes elected us to office, and we had four members of our committee on strike.

Q. Could you inform the committee as to how many people on strike at the Lake Shore Gold Mines were back at work by that time?

A. That is a very good question. Previous to the strike we had 875 men on our payroll; now we have 625, underground and surface.

Q. At the time of the vote?

A. Yes, at the time the vote was taken.

MR. ROWE: Q. Was the strike over the failure of the operators to recognize the majority of the union of employees?

A. There were ten demands presented by the union.

Q. Was not the main demand one of union recognition?

A. Yes.

MR. BRUNETT: May I also answer that we have recognition now in each individual mine.

Witness withdrew.

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JOHN MIKITUK (Mine Worker): Mr. Chairman, I would like to ask Mr. Brunett a question. He mentioned that the vote was taken during the strike.

THE CHAIRMAN: Very well.

CLIFFORD BRUNETT resumed the stand.

MR. MIKITUK: Q. If you took the vote during the strike, then the strikers and non-strikers were allowed to vote, is that it?

A. May I make this suggestion, that anybody asking questions should specify the mine they have in mind. We have not come into a complete combine to make the camp solid according to our own viewpoint, and therefore in our agreements there are little variations that do not amount to much, but if the mine is specified it would enable us to answer the questions truthfully.

Q. I mean the Wright-Hargreaves?

A. Yes.

Q. You read off there that the vote was taken during the strike, and that non-strikers and strikers were allowed to vote?

A. Pardon me. There was an election of members held in the first or second month of the strike, and the men were not satisfied when they returned to work. When they were asked to draft an agreement and constitution between the company and the employees they asked for another election. Another election was held and both the men who returned from the strike and the employees that stayed inside the gate voted, and we received 84 per cent of the majority.

Q. That is not the question. You said that one month after the strike started, and while the strike was on, you voted?

A. There was no election held while the strike was on.

Q. When did your workers' council come into being?

A. That is when it started with the men inside.

Q. How could you have a majority when there were 3,000 men outside the gate.

A. We are not saying we had a majority. Mr. Graham said they did not have a majority. He made it plain that they did not have a majority at that time. As to the new elections that have been held in November, December and later months, the men feel there should be another election with new officers



right through. The members who were in were in only four or five months, and the men say: "Where the hell did those men get elected? We did not vote them in," and so there was an election and this constitution and agreement by all the men now working, both strikers and non-strikers, is the result.

MR. FURLONG: Q. Your whole organization is always willing to abide by the majority vote?

A. Yes.

MR. MIKITUCK: Q. Why didn't they abide by the majority vote when we had a vote taken for a strike and for the collective bargaining bill?

A. Ask the labour department that question; they will probably tell you.

Q. The conciliation board recommended collective bargaining, Mr. Brunett. I know what I am talking about, because I am from Kirkland Lake. (Applause.)

THE CHAIRMAN: I think the procedure calls for asking questions. If you wish to give some evidence we shall be glad to hear you.

MR. MIKITUK: Very well, thank you.

MISS MARGARET SEDGEWICK (Packing House Employees):

On behalf of the United Steelworkers' representative who cannot be here to-day, I wanted to ask a question, Mr. Chairman.

THE CHAIRMAN: Yes.

MISS SEDGEWICK: Q. I understood you to say that a representative of the United Steelworkers supervised your election. Is that so? (No response.)

THE CHAIRMAN: I understood the witness to say there was one who was out on strike and one who was not who supervised the vote.

WITNESS: Yes.

MR. G. E. MOODY (Kerr-Addison Employees' Association):

Mr. Chairman, Mr. Brunett belonged to the C.I.O. and went out on strike. He did not bring that point out.

MISS SEDGEWICK: I understood the witness to say the United Steelworkers were out on strike.

MR. FURLONG: Oh, no.

MR. BRUNETT: No.

THE CHAIRMAN: I think you must have misunderstood Mr. Brunett, Miss Sedgewick.

MR. ROWE: I would like to ask the witness if he said they did not have enough money to hire a hall, and if so, would he care to say how their expenses were borne.

MR. GRAHAM: We asked our employees to make contributions to our organization, and they did so entirely voluntarily.

MR. FRANK COULIS: Mr. Chairman, as a representative of the Lake Shore Gold Mines Limited, I would like to ask when the constitution was drawn up.

MR. GRAHAM: In December, I think.

MR. FURLONG: Wright-Hargreaves on the 27th November, 1942, and Lake Shore on December 9th, 1942.

MR. COULIS: Q. How many points have you in your constitution?

A. I could not say offhand how many points.

Q. You have holidays with pay, hospitalization, grievance committee, etc.

A. Yes.

Q. How many points have you altogether? (No response.)

MR. HAGEY: There are fifteen points in one constitution.

MR. FURLONG: And ten sections in another.

WITNESS: Three of the elected twelve men signed that agreement.

MR. COULIS: Q. Were not nine points in those agreements brought up by the C.I.O.

A. Were they not brought up by the C.I.O.?

Q. Yes. The companies agreed to give them the nine points, but would not give them the first point, namely, union recognition?

A. I think that was brought out, Mr. Coulis, that it was just a bit of propaganda by both parties. Anybody can verify whether it was the C.I.O. or the committee that brought them up.

Q. Did not the company at Lake Shore bring out the hospital plan before this shop committee was formed? (No response.)

MR. GRAHAM: The Medical Association drew up that plan at meetings between the employers and employees of the various mines. I do not want you to get the impression that we are up against a labour organization. We take the stand that in the north country in the gold mines were willing to give the fellows on strike everything but union recognition, and the fellows up there are satisfied so far. We hope through this legislation that the employers will be compelled to accept the union chosen by the majority of the workers.

J. A. SULLIVAN (Trades and Labour Congress):

Q. Mr. Brunett, I understand you went out on strike?

A. Yes.

Q. And if you had got compulsory collective bargaining the C.I.O. would have been recognized now as the bargaining agent

THE CHAIRMAN: Is not that a rather speculative question?

MR. SULLIVAN: I am trying to bring out a point, Mr. Chairman.

WITNESS: You are supposed to ask me an open question that I can answer.

MR. SULLIVAN: Q. At the time of the strike the C.I.O. represented the majority group in Kirkland Lake and vicinity, is that correct?

A. Well, they were asked to bring it out openly, and I believe they voted and it was supposed to be proved that they had a majority. Is that what you mean?

Q. Yes. Now, a few employees felt that they should not go out on strike, and during the course of the first month of that strike they set up a plant council, is that correct?

A. I do not think all the mines did. I was out on strike myself and could not vouch for them.

Q. There were a few that did not.

A. I thought there were a few, too, until I returned to work and found that there were a hell of a lot of lies told right through the whole organization!

Q. We will not go into the question of lies told. The fact is that when you returned to work there were plant councils in operation?

A. In some mines, yes.

Q. Now, they became the pattern for the other people who were allowed to come back to work?

A. If they were willing to accept that pattern.

Q. Perhaps this is not a fair question, but I understand that about 200 miners went back and refused to join the plant council. Do you know of anybody who was fired for refusing to join the plant council?

A. We do not ask anybody to join the council. They can join of their own free will, and we fight for the rights of every employee there, whether he be on strike or not.



MR. MOODY: Our association had an agreement under negotiation, and we have been recognized as the sole bargaining agent, but anything we enter into covers all employees; that is, there is no minority disfranchised, and the benefits we obtain for the men apply to all. As far as our association is concerned only members can vote to elect its officers, but in many of the mines in Kirkland Lake, the employees' associations—and I believe this is true of Wright-Hargreaves and Lake Shore Gold Mines—give everybody a vote, C.I.O. men included. There is no coercion at all. They give a vote to the men outside the organization to determine who shall be the officers of the organization.

MR. FURLONG: As long as they are employees.

MR. MOODY: Yes, and eligible according to the constitution to be members.

THE CHAIRMAN: Q. Is there anything further, Mr. Brunett?

A. We felt that we should bring down a delegation in view of the fact that earlier it was stated to the provincial government that gold was of no benefit during wartime.

THE CHAIRMAN: It is the first thing Hitler tries to grab in every country he enters.

WITNESS: We know that gold talks and will keep on talking, and that we must produce it if we intend to keep our Dominion functioning the way we should, and help to win the war.

I should mention that our organization was a member of the C.I.O., and that is how we have our ten men elected.

MR. FURLONG: Q. Mr. Brunett, Clause (2) of your brief says:

"We believe that employers should be obliged to enter into and abide by any collective bargaining agreement made with representatives of the majority of their employees."

You do not ask the government to force the employers to enter into agreements?

A. No.

Q. You want employers to be forced to negotiate with employees?

A. Yes.

THE CHAIRMAN: I beg your pardon.

MR. FURLONG: The witness says he does not intend to convey the impression that the employees he represents think the employers should be forced to enter into agreements, but they think employers should be forced to negotiate with employees.

Witness withdrew.

THE CHAIRMAN: Mr. Mikituk, do you desire to say something to the Committee?

MR. MIKITUK: Yes.

JOHN MIKITUK, sworn.

WITNESS: Mr. Chairman and members of the Committee, I was in Kirkland Lake when the organization started.

THE CHAIRMAN: Q. What organization?

A. The Mine, Mill and Smelter Workers, affiliated with the C.I.O.

Q. When was that?

A. Well, the organization was there when I got the job in 1938. Finally I thought we had a sort of company union in the mine where I got the job. Anything that was asked for through the company union resulted in men being fired if a little pressure was put on.

Q. To what mine do you refer?

A. The Teck Hughes mine. Just to give you an instance, when we put pressure on the company to give us holidays with pay fifty men got fired. Any member present from the Teck Hughes mine will verify that statement. Then the workers of the whole camp decided it was not fair, and we had a picket line there and had a conciliation board which recommended that all those men be put back to work, but the company simply refused, and took one out of the fifty men back to work.

Q. The company took one out of the fifty men back to work?

A. Yes. Then the rest of the workers were stirred up and thought that was not fair and said: "We will all join the union of our own choice and bargain collectively with them."

MR. HABEL: Q. When you joined the union to which you belonged were you not told that if you were to go on strike they would give you assistance?

A. Yes, they did.

Q. Did you receive assistance?

A. I have not come to that, sir. I will cover that. So when we finally got organized and thought we had a majority, which we did—

THE CHAIRMAN: Q. How did you know that?

A. By the records on the book of the number of employees. So we got the conciliation board in again, and they recommended collective bargaining and recognition of the union, but the companies stood fast and would not even

answer a letter that was sent in. Some would acknowledge the letter, and that was all.

MR. FURLONG: Q. And then file it?

A. Yes.

THE CHAIRMAN: Q. And give it due consideration?

A. I think you have just as much experience as myself! So we decided to go on strike. Of course, there was quite a difficulty. The war was on, and the operators would not meet us only in Toronto, and we had to keep sending a delegation to Toronto. Finally we went through every legal channel to bring that strike, and finally it came to a legal strike. The vote was taken by the government men, and every man in the mine except the manager was entitled to vote! That was the proposal from the company. If a man did not vote, that was a vote for the company! If a man was in an asylum—and there are quite a few who are up there—he was still on the payroll and his vote counted for the company! (Applause from the audience.) This is no fun. This is straight facts. We finally beat them by about 8 per cent; we got 58 per cent after every Tom, Dick and Harry voted except the manager!

THE CHAIRMAN: Q. What was the vote for?

A. A strike vote. We won the percentage, and we still tried to bring that collective bargaining about, sir, without going on strike, and the government did everything in its power.

Q. That was the main issue?

A. Yes, just the recognition of the union. All the employers had to do was sit around the table and talk to us, but they would not do so.

MR. HABEL: Q. Were you not also promised an increase in wages?

A. No; only the cost-of-living bonus.

Q. And do you think that the company could have prevailed upon the federal government to pay you the cost-of-living bonus? You knew that it was a federal matter?

A. No.

Q. You knew that the labour board, and not the company and not the unions, had the sole authority to decide the question of a cost-of-living bonus?

A. That is right.

Q. And still you were promised that?

A. Yes.



THE CHAIRMAN: Q. Who promised it?

A. We were promised a high cost-of-living bonus of 90 cents a week.

MR. HABEL: The union organizer promised it.

WITNESS: When we brought on the strike practically everybody went back on strike with the exception of a few. In the Teck-Hughes mine, where I was working, only six went back. Wright-Hargreaves kept on functioning. We were wondering how Teck-Hughes was operating, so three or four of us went out to where the slimes run off the mill, and when the slimes are running they are milky in appearance, but out there the pure water was running! They were running the mill empty. We kept on strike, and the company started a "back to work" movement, and did everything in their power, promising almost everything under the sun, to get us back to work. They started the workers' council right after the strike and elected the council with a few men there, although there were 4,000 men on strike who were already members of the union who were demanding collective bargaining or the recognition of the union. That is how the strike went on.

MR ANDERSON: Q. Was that the only reason for the strike?

A. Yes, to get the employers to sit down and bargain collectively or to recognize the union; that was the main issue of that strike.

THE CHAIRMAN: Q. So you think, as Mr. Sullivan's question seemed to indicate, that if the different mine owners had recognized the C.I.O. as the collective bargaining agent there would have been no strike at all?

A. No; there would have been no strike.

Q. And the upshot of the whole thing is loss of wages and loss of production, and now they have collective bargaining and recognition of the union, but it is through the workers' council instead of the C.I.O.?

A. Yes. Then it was stated here that they offered us assistance. We had the finest assistance from the C.I.O., namely, \$9.00 a week, milk and fuel, and, where it had to be paid, the rent was paid.

MR. HABEL: Q. Was the fuel paid for by the union?

A. The workers themselves took a claim in the bush and went out and cut the wood themselves.

Q. And the Town of Kirkland Lake had to buy a certain amount of fuel?

A. They supplied us with about 500 cords of wood.

Q. Were they paid for it by the union?

A. I do not know; I was discriminated against and kicked out of Kirkland Lake.

THE CHAIRMAN: Q. After the turmoil settled down and reason entered into the picture again they would not take you back?

A. They would not take me back, and there were many others they would not take back. Welland is full of Kirkland Lake strikers.

Q. With better jobs?

A. Yes, I am making more money now than I did in the mine.

MR. FURLONG: Q. And it is a warmer climate down here?

A. Yes.

THE CHAIRMAN: Q. You spoke very nicely and without any bitterness or rancour.

A. Oh, no. The witness read it off that the majority should rule and should be recognized. Was the majority recognized when the C.I.O. had the percentage? No! (Applause from the audience.)

MR. BRUNETT: Q. With regard to the 58 per cent majority, were you and I in the same brotherhood not told that if we voted strike there would be no strike?

A. No.

Q. You bet we were, by American organizers?

A. No; when we voted for the conciliation board and took that day off we were all told there would be no strike, and also we were told, and everybody believed from his own common sense, that there would be no strike, that the majority would try to go on strike and the companies or the government would not allow it when the gold was so essential. That was the way they painted the picture.

Q. Who painted that picture?

A. The operators claimed that gold was so essential that there could be no stoppage of work. When we took one day off the Northern News had an editorial page for two months afterwards about that loss of gold.

MR. ROWE: Q. Do you know that the then Minister of Labour, Mr. Norman McLarty, told the deputation of miners after the strike started that it did not matter whether the gold was in the ground or not?

A. Yes, that is what he said.

MR. J. R. FOX: Q. You were speaking of the Teck-Hughes mine?

A. Yes.

Q. How many men were employed at the Teck-Hughes mine before the strike?

A. Seven hundred men.

Q. How many are now employed?

A. I do not know.

Q. You have given a lot of other figures, why don't you know that?

THE CHAIRMAN: Why do you say that? The witness stated that he is working in Welland now.

WITNESS: I did not give any figures.

MR. FOX: I would like to say that Teck-Hughes has no representative here, but Teck-Hughes is an old mine, mined out, and they are just cleaning up now. They closed one of the shafts and shut down about three-fourths of the mill—

THE CHAIRMAN: Mr. Fox, you may give evidence later if you desire to do so. Have you any further questions to ask the witness?

MR. FOX: No.

THE CHAIRMAN: It is now one o'clock. We shall adjourn until two o'clock this afternoon.

Witness withdrew.

Whereupon the Committee adjourned at 1.00 o'clock p.m. until 2.00 o'clock p.m.

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### AFTERNOON SESSION

THURSDAY, MARCH 11, 1943

On resuming at 2.00 o'clock p.m.

THE CHAIRMAN: All right, gentlemen; you will please come to order.

Mr. Furlong, what is the business for this afternoon?

MR. FURLONG: Is Mr. Williams of the Sawyer-Massey Association of Hamilton present? Apparently he is not.

Is Mr. Ferguson of the Furniture Manufacturers' Association present?

THE SECRETARY: Mr. Preston is taking his place.



## FURNITURE MANUFACTURERS' ASSOCIATION OF ONTARIO

JAMES PRESTON, sworn. Examined by MR. FURLONG:

Q. Where do you reside, Mr. Preston?

A. Stratford, Ontario.

Q. What position do you hold with the Furniture Manufacturers' Association?

A. I am chairman of the Labour Committees.

Q. How many companies does the association embrace?

A. That will be in the brief, sir. I have a small brief.

Q. Then you had better proceed with it first.

THE CHAIRMAN: I do not quite understand who Mr. Preston represents.

MR. FURLONG: The Furniture Manufacturers' Association of Ontario.

THE CHAIRMAN: Thank you very much.

Q. Are they members of the Canadian Manufacturers' Association?

A. Individually. It is optional for each manufacturer as to whether or not he wants to be a member. I would say there is only a little percentage of the Furniture Manufacturers who are actually members of the C.M.A. I may be wrong, but it has no connection with us as far as this report is concerned. It is entirely from the Furniture Manufacturers.

"The furniture industry in Ontario is principally located in Central and Western sections. Many of the factories are located in the smaller towns and communities and offer the principal and, in some places, the only opportunity for employment in industry for the citizens of these districts.

The locations of these plants are:

Arnprior	Bothwell
Cornwall	Chesley
Dundas	Durham
Elmira	Elora
Guelph	Hamilton
Hanover	Hespeler
Ingersoll	Kitchener
Kincardine	Listowel
London	Milverton
Meaford	Newmarket
Owen Sound	Paris
Preston	Strathroy
Southampton	Seaforth
Stratford	Toronto
Wingham	Walkerton
Waterloo	Woodstock
Warton	

There are fifty-five furniture manufacturers in Ontario who are members of this Association—”

The reason I give you this, sir, is to give you an idea of the field this industry is covering and operating in under the Industrial Standards Act, which I will explain later to show the—

THE CHAIRMAN: I wish you would.

THE WITNESS: I will take you up on that, and I will try to do it. There are 55 manufacturers in Ontario who are members of this association. I only represent the 55, although a lot of these members attend our meetings, when there are special meetings on, and particularly when we are having our conferences in connection with the Industrial Standards Act.

“—and production from their factories exceed 70% of the total amount of furniture produced in the province.

None of these plants is of the so-called large unit type, the majority having one hundred or less employees.

It is estimated that at the present time the total number of employees is about 5,500, male and female, and it is further estimated that the number of employees who are members of trades unions is about 20% of total employment.

In 1935, when the Legislature passed the Industrial Standards Act, the furniture industry was one of the first industries to ask the Minister of Labour to call a meeting of employers and employees for the purpose of arranging a schedule governing rates of wages, hours of labour and working conditions, and since July 1935 the industry has almost continuously operated under a schedule as authorized by the Ontario Cabinet.

The terms of each schedule have been under the supervision of the Labour Department assisted by an Advisory Committee consisting of representatives of employers and employees. Through the operation of these schedules there has been established a greater degree of uniformity in factory conditions and the industry has gained a stability which has been beneficial not only to the industry but to the community as a whole.

The Advisory Committee has afforded opportunity to both parties to examine the problems of the industry from the standpoints of both employer and employee and this in turn has led to better understanding, with consequent more harmonious relations. This relationship, we believe, should be continued for the industry as a whole.

The industry in Ontario distributes goods throughout the Dominion in competition with goods produced in Quebec and British Columbia. The Quebec operations are governed by an agreement under the laws of that province, somewhat similar to that existing in Ontario but on a scale of wages lower than the Ontario scale and with a 55 hour week instead of a 47 hour week here.

It is our considered opinion, based on nearly eight years' experience under the Industrial Standards Act, that nothing should be done at present to interfere with the progress we have made in that time in establishing harmonious industrial relations with our employees and we protest against the adoption of any scheme or plan which would disturb our present tried method of securing such better relations.

Respectfully submitted by  
FURNITURE MANUFACTURERS' ASSOCIATION,  
(Signed) James Preston,  
Chairman, Labour Committee.

Toronto, Ont., March 11th, 1943."

You are very anxious to know something about the Industrial Standards Act and that being so, and as the chairman in particular would like to know something in respect of that subject, I will endeavour to show you how this has worked out to the benefit of the industry. When I say "industry", I mean the employers and employees.

As I stated in my brief, the Act was started in 1935, April 18th, in particular. The Furniture Manufacturers entered into an agreement which was gazetted on Saturday, July 27th, 1935. All the way through this labour movement the Furniture Manufacturers' Association, or the industry, have been leaders in respect of the cost of living bonus, your Industrial Standards Act and so on as you can see by the data here. I think we are one of the very first who entered into an agreement. I will admit, sir, that the first agreement was rather crude. We were all trying to learn. As I go along I will point out to you particulars with respect to the present Act under which we are working, as well as the different clauses of the Act:

I will skip some of this, sir, if you do not mind. These are just things which I think will be of interest to you.

First of all, in the Act, it says:

"(a) 'Association of Employees' shall mean a group of employees organized for the purpose of advancing their economic conditions and which is free from undue influence, domination, restraint or interference by employers or associations of employers;"

I may say, as I have already said, that there are a lot of shops organized, there are some not organized, but that does not enter into the picture at all as to their coming down here and sitting in at these different meetings. Before somebody asked me, Is your job organized? No. Do I have a man down here at these conferences? Yes. How is that man elected? He is elected by the majority of the employees. They can vote for anybody they like, and they are eliminated according to vote. The highest man then comes down here. A lot in the industry work on the same basis and those who are organized already send their representatives. I understand it works out on the same basis.

Referring again to the Industrial Standards Act:



“(b) ‘Board’ shall mean The Industry and Labour Board appointed under the authority of the Department of Labour Act;

(c) ‘Employer’ shall include every person who by himself or his agent or representative is directly or indirectly responsible for the payment of wages to any person who comes within the provisions of any schedule promulgated by order-in-council as hereinafter provided;

(d) ‘Industry’ shall include any business, calling, trade, undertaking and work of any nature whatsoever and any branch thereof and any combination of the same which the Minister may designate;

(g) ‘Officer’ shall mean Industrial Standards Officer appointed under the authority of this Act;

(i) ‘Wages’ shall include any form of remuneration for labour performed and without restricting the generality of the foregoing shall include payment at an hourly, daily, weekly or monthly rate or on a production basis at a piece-work or unit price rate.”

Then dealing with Part I:

“The Lieutenant-Governor in Council may appoint one or more persons as Industrial Standards Officers whose duty it shall be to assist in carrying out the provisions of this Act and of the regulations and schedules.

Every officer shall have such powers and duties as may be prescribed by this Act and regulations and shall have authority to conduct enquiries and investigations respecting all matters coming within the scope of this Act and of the regulations and shall, for such purposes, have all the powers, rights and privileges as a commissioner appointed under The Public Enquiries Act.”

Then, it goes on to say that the Minister may designate zones. We have A and B zone. The larger centres come in one zone and the smaller centres, such as Chesley in the north, come in under another zone. The benefit of the zones is reflected in the fact that the smaller places are paid two cents less than the bigger centres, like Toronto, Kitchener and Stratford. Of course, that does not affect the cost of living bonus.

Again, referring to the Industrial Standards Act:

“The Board shall have jurisdiction and authority to,—

(a) administer and enforce this Act, the schedules hereto and the regulations;

(b) hear appeals from the decisions of any advisory committee;

(c) with the concurrence of the proper advisory committee make an order amending the provisions of any schedule and such order shall be published in the Ontario Gazette and shall be effective on the tenth day after such publication;

(d) receive and collect wages due to any employee according to the provisions of any schedule and disburse the same in accordance with the regulations of the board;

(e) determine and designate which industries are inter-provincially competitive and with respect to any such industry;

(i) may approve or withhold approval of the provisions in a schedule with respect to the collection of revenue from employers and employees in the industry and with respect to the exercise by the advisory committee of any powers in connection with the collection of such assessments and the disbursement of moneys collected provided that the assessments which may be approved shall not exceed one-half of one per centum of an employee's wages and one-half of one per centum of an employer's payroll;”

Dealing with the advisory committee in connection with the assessment in these different conferences we have, there is no remuneration given by the employer or the employees of the government. This is all policed free of charge, as far as the government is concerned, and in that way there has been no cost as far as the government is concerned in carrying this out under the Industrial Standards Act in respect of the furniture industry.

“The conference may submit to the Minister in writing a schedule of wages and hours and days of labour for the industry affected and such schedule may—”

THE CHAIRMAN: Mr. Preston, we know about the Industrial Standards Act. I remember Mr. Roebuck promised it. It was going to take the wolves out of industry. We have been hearing a lot about wolves since we have been sitting here.

I have been wondering how that was pertinent to the principle of collective bargaining.

THE WITNESS: All right; this is collective bargaining, sir.

Q. Yes, I understand that, but your submission is that there is no need for a Collective Bargaining Bill—

A. I am saying you have a Bill right here now which is effective if it is put into shape. It is already on your books and has been operating properly in an industry which has been properly carried out.

Q. We have access to the Act itself.

A. Yes. I am trying to show you it is on your books ready to function now without a change at all and could be worked out, as I am going to show you as I proceed year by year indicating the increases and the improvements in the industry which has taken place. I am trying to get you familiar with the Act as it is. You have so many different things, like I have, in mind. If you are refreshed you will get what I have in mind.

MR. OLIVER: Q. You say in effect that having an Industrial Standards Act we do not need a Collective Bargaining Bill.

A. I am not saying that altogether. I am saying you have an organization there, or a piece of machinery with which to start.

MR. MACKAY: Q. Does the organization embrace a proportion of employees and a proportion of employers?

A. It has to, sir. Your Bill definitely tells you that. It has to be called by the percentage of employers and employees. When a conference is called an employee does not have to sit in, nor does the employer.

MR. FURLONG: Q. Are you in favour of collective bargaining?

A. This here is collective bargaining.

Q. Are you in favour of collective bargaining is the question I have asked you.

A. I am in favour of collective bargaining through your own—

THE CHAIRMAN: Compulsory.

THE WITNESS: No, not compulsory. I said that in my brief, at the end of my brief.

MR. FURLONG: Q. Before I mention "compulsory" I ask you if you are in favour of collective bargaining with your employees. Are you in favour of sitting around a table and discussing the working conditions with their duly elected representatives?

A. Yes, but not compulsory.

Q. If you were in favour of doing that what objection would you have if it was made compulsory?

A. Because—I can give you another long story which I would rather not do, which we have already gone through. It was brought out this morning very emphatically promises were made which were never carried out.

MR. NEWLANDS: By whom?

A. Your friends.

Q. Our friends?

A. I thought it was somebody back there. I mean these organizers who come in and promise the men a lot of things.

MR. FURLONG: Q. Dealing with the question of organizing, what difference does it make who organizes the employees? Is it not their business if they wish to be organized?



A. I have told my employees many a time that I have no control over their time or where they go at night, whether it is the hall of the Knights of Columbus, the United Church, or so on.

Q. And, if they wish to organize into a union that is their business?

A. Yes; but whether I want to recognize a union is another story.

Q. If a majority of them choose a union as a bargaining agency, what difference does it make to you if they want a union as a bargaining agency?

A. None at all.

Q. Then, what objection could you have?

A. As I said, I do not want it compulsory.

Q. As I see it, you do not object to it; you have no fear of anything, but you do not wish to be compelled?

A. That is right.

THE CHAIRMAN: I just placed you, Mr. Preston, a few moments ago, and I am wondering if you are not the gentleman who used to be quite a hockey player winning Allen cups for the T. Eaton Company and so on. I have now placed you.

THE WITNESS: Yes.

Q. There are harmonious relationships in your industry, but, as Mr. Furlong says, here you are actually carrying out the practice, because you are the type of fellow who will sit down and talk with your employees and you are quite glad to do it, and you do it voluntarily. Why do you need to be afraid of compulsion when you are doing the very thing yourself?

A. In 1933 in Stratford this trouble started.

Q. It did?

A. That was one of the reasons why your Industrial Standards was incorporated, to overcome that difficulty. What was the trouble? These men came in from outside and gave them all the promises of the city of Stratford. Did they get it? No. Was my factory affected? Yes. About fifteen per cent walked out on strike. I closed the plant about eleven or twelve o'clock that day. They got back to work by going to a solicitor in the city of Stratford, getting him to draw up an agreement with me and it was presented to me in the morning. We went over it in the afternoon and we were working the next morning. They sat in my house until even two and three o'clock in the morning discussing it. There were twelve members there. I said "My house is wide open for you to come in and discuss it at any time," which they did, but they could not get them to agree to anything they wanted, you see. It was the next morning they went down to a solicitor in Stratford and he drew up the agreement and they were back next morning.

MR. HAGEY: Q. Does that prove the need of someone to direct?

A. Yes; correct, but these men know more about my business and their own problems than outsiders.

THE CHAIRMAN: Q. Is that not so in any industry? We are not criticizing you for anything.

A. You are asking me questions and you are putting me on the spot in asking me "Why". I am telling you why. We in the furniture industry, business, have been all through this. Stratford went through it first. We know what the agitation was.

Q. You will probably agree that times have changed a bit, and there is a different attitude?

A. Yes; but I am saying your Industrial Standards Act is all there and it can be worked, and worked properly.

Let me go on, if I may. Excuse me for being side-tracked, but you are responsible. Do you want me to go on with this?

Q. We do not wish to stop you if you think you need to quote those sections in order to prove your case.

A. Here are the different things. I will jump a little bit.

Q. We do not want to hurry you.

A. Now, you are getting me all balled up. I am office boy as we'll as head of my organization, sir.

Then we come to the conference report, and I would like to say that we have established the maximum number of hours comprising of regular working days and prescribed the hours of the day during which such hours of work may be performed, and we have established the maximum number of hours comprising the regular working week. We have also established the minimum rate of wages for the minimum hour, regular periods.

May I just read the Act covering that? It says:

"(a) A regular working week shall consist of forty-seven (47) hours of labour to be performed during five and one-half ( $5\frac{1}{2}$ ) regular working days;

(b) A regular working day shall consist of eight and one-half ( $8\frac{1}{2}$ ) hours of labour on Monday, Tuesday, Wednesday, Thursday, and Friday, and four and one-half ( $4\frac{1}{2}$ ) hours of labour on Saturday before 1 p.m.

(c) Employees who are engaged only on night shifts of not more than forty-seven (47) hours per week shall be deemed to be employed during a regular working day and a regular working week."

What is meant by that, sir, is that the night shifts can work five days and put in their forty-seven hours. As long as it does not go over the forty-seven hours during the week it is not over-time. This is the Employee and Employer agreement in the furniture industry in Ontario.

"(3) Any person who performs work in the industry except as hereinbefore provided, shall be deemed to be doing over-time work and except while working on a night shift any person who performs work in the industry on New Year's Day, Victoria Day, Good Friday, Dominion Day, Civic Holiday, Labour Day, Thanksgiving Day, Armistice Day and Christmas Day, shall be deemed also to be doing over-time work."

Those are the days which were allowed. Time and a half for over-time is provided.

May I dwell on that for a moment while I am dealing with it. Back in 1940 and 1941 the code was changed from time and a half to time and a quarter. It remained that way in 1941 and 1942. The new agreement this year, which started on October 16th and ends on October 15th, 1943, calls for time and a half. It was put back. The employees wanted it and we were quite agreeable to give it to them. When they were making the time and a quarter they were being paid time and quarter on the cost of living bonus plus their basic rate. To-day they are being paid according to the government legislation, just on the basic rate.

"(5) The employees in the industry are hereby classified as follows:

Class A shall consist of all employees other than those in Class B;"

While we are talking about Class B, when the original schedule came out it was a headache. Each operation—the swing saw, the rip saw, and so on—was classified as A, B and C. Of course, everybody was an A operator whether or not his operation was classed in that particular outfit. That was changed over to A, B and C. There was no designation as to the classification of the glue joiner and so on. They were all set up first and it was a headache because everybody had a different opinion of their ability and what the operator did. So, that was eliminated.

The next code which was brought up was brought up on March 31st, 1939.

"Class B shall consist of male employees who have had less than four years' experience in the industry."

That 's section A of Class B.

Section B of Class B:

"Under twenty-one years of age and who are under twenty-one years of age on the date when they commence work in the industry."

I think you will agree with me that after 1918 apprenticeship systems were practically dropped. Everyone specialized just as they are doing to-day. That



is, in the last war. We had cabinet-makers and the rest of them. It just carried on and nobody wanted to learn a trade. They wanted the same rate per hour. When I started to learn my trade I received \$2.00 a week for fifty-nine hours a week and I thought I was the richest man in town the first pay I received.

THE CHAIRMAN: You did better than I; I only received \$1.50.

THE WITNESS: Someone should have offered that to me first. We have now broken those boys into four years, and their set-up is 19 cents. The figures I am giving you are basic rates, and I will cover the cost of living bonus afterwards. 23, 26 and 29 cents plus their cost of living bonus is what they get. If a boy goes from our plant to another plant he carries his two or three years' apprenticeship with him and starts off with where he left my plant.

MR. NEWLANDS: Q. But, you said you did not have the apprenticeship system in there.

A. I did not say that, sir; I said the apprenticeship system in the country, whether it is in respect of woodworking or anything else, was shot after the last war. The Ontario government came back with legislation in 1928 incorporating an apprenticeship system, set up, to try to get the boys into industry and learn trades so they could have something upon which to fall back. In other words, if a boy had a hammer and a monkey-wrench he could drive a nail and tighten a bolt. We tried to get the mechanics to get after the boys to work because it was a matter of those lads passing on. They saw the trouble themselves, and worked it out. I did not say we did not have, that there was not any apprenticeship system. It is right in these clauses.

Q. I misunderstood you. I am sorry.

MR. ANDERSON: Q. You have a schedule set up here for beginners.

A. That is what I mean by "the boys". Their age is covered in Class B, section B. There is nothing to stop you from advancing one boy who shows a little more ingenuity and progresses more quickly than another. You will naturally move him along and you increase his rates. That applies to all.

Q. That is, you give him the three years' rate in the second year?

A. Yes. You will notice in your schedule we are only allowed 20 per cent boys in our industry. The larger manufacturing industry is allowed 25.

MR. MACKAY: Q. Who drew up these regulations from which you are quoting?

A. The Ontario government.

Q. The Department of Labour?

A. Yes, sir.

Q. Did the joint committee of the employees and employers sit in with the department?

A. Absolutely. We formed a policy and we entered into an agreement and the Labour and the Legal Departments came along and gazetted it. We okayed it.

Q. The employees elect their representatives?

A. Some of them are sent down by their different unions. Those who are organized send their own representatives. Those who are not, the employees bring down their own.

I will now ramble along. I would like to give you a little comparison now of when this schedule started. In 1935 what we call the "A" skilled rate was 47 cents an hour, semi-skilled 37, and the unskilled 30 and 32. That started at 30 cents and in six months we increased it to 32 cents, the boys at 17 cents, and we had nine holidays. There was Armistice Day, which was eliminated later. I have figures, if anyone is interested, for each year, but I am just going to give you this year in order to give you the change. We have a minimum rate of 40 cents. I am quoting from my own district. We have eliminated the A, B and C section two years ago. We found out that this other worked out better and we have just the one "A" group now. We cannot pay less than 40 cents to anybody who is not physically fit. He gets to-day 9 cents an hour cost of living bonus.

Q. You said something about you could not pay less than 40 cents an hour to a person who is not physically fit.

A. Who is physically fit. The boys to-day are making 19, 23, 26 and 29 cents plus their 15 per cent. Time and a half over-time an hour averages up to 56 cents. The increase from September, 1935, to January, 1943, was 51.5 per cent in wages. From June, 1939—that is, June 30th, 1939—which was the last year before the war, it was 44 per cent.

A lot of the plants give rest periods of ten minutes each, twice a day, and if you take time and figure that out you will find it is equal to two weeks holidays with pay. On top of that they get their week's holidays with pay in some places. That is entirely up to the organization sponsoring the company. That is, it is up to the organization as to whether they feel they can afford it. It is not up to us as an association to say whether they can or cannot. It has been recommended but that is as far as it goes. It is up to each organization to say whether or not they can afford to pay.

To give you an idea or to back up the statement I made that the furniture industry was one of the first to go into a code which involves collective bargaining—and we were one of the first to establish a cost of living bonus—in October, the 6th of October, 1941, there was a statement in our agreement that we would pay the cost of living bonus of 5 cents an hour to which it figures out. We did not know whether the Federal government would recognize our code when the new legislation came out. This was gazetted on October 25th, 1941. On October 23rd, we had a letter from the Federal government advising us as follows:

"It has been declared by the Department of Labour, Ottawa, that as the terms of our new schedule were arranged previous to any announcement

regarding the new policies of the Dominion Government, there would be no interference with that schedule by the Ottawa authorities.

This means that you can proceed just as if there had been no speech by the Prime Minister last Saturday."

We have acted accordingly and we issued our new legislation to comply with it. The first year that was in effect for the first six months we paid 5 cents an hour and for the balance of that year we paid an additional 2 cents. When our agreement expired, again, in October, 1942, we adopted the entire legislation of the Federal government, and this Act reads that each employee is paid \$4.25—that is, a male employee Class B. In other words, we have been paying \$2.68 and \$4.25 since the cost of living bonus came in. We have been doing it right along without any hesitation. We have tried to keep our legislation right up to the minute. I am giving you this in order to show you it is possible to do these things under the Industrial Standards Act. It has been done and is being done.

As you know, under your legislation of April, 1942, set out by the government—and I am reading from a letter of the Department of Labour, Toronto:

"Employees who have been previously paid cost of living bonuses—"

I am showing you it was not necessary for our furniture industry to pay that cost of living bonus unless we felt we could or should do it. We want to carry on, which I think shows you we are anxious to work in with what is going on.

To show you the harmony which is in the industry I have in my hand the minutes of the last advisory board meeting. You all know what they are supposed to do. The chairman of this board was Mr. Ehmke, who was previously a furniture worker, and who is a very excellent chairman and a very excellent man, sir. We are very pleased to have him as chairman of that committee. Mr. Ehmke is now in the Department of Labour here in Toronto working in an official capacity. We have two representatives from the furniture industry, one representing the north, and myself the south. We have the same thing with the employees—a man from Owen Sound and another one from Preston, Ontario, so we have a man from A and B zones, in both cases, to administer these laws. This meeting was held on February 10th. We have quarterly meetings, sir, to consider the cost of living bonus and to deal with any complaints or any grievances which may come up. Mr. Patterson Farmer and Mr. George Chambers were there. This is the first meeting held under the new schedule:

"It was moved by Mr. Eggiman, and seconded by Mr. Hicks, that Mr. Preston again act as secretary for the Advisory Board."

That is the reason I happen to have it. I stole it upstairs, maybe. I am presenting this to the Committee in order to show there is harmony in our industry. Do not look at your watch, sir; there is lots of time.

"The secretary read a letter from the Minister of Labour, appointing the members to the Advisory Board with Mr. F. W. Ehmke as chairman.



To have the new members of the Board acquainted with the last meeting of the old Board, the minutes of the last meeting were read and adopted. The motion was made by Mr. Fitton and Mr. Eggiman."

I will not read the balance.

The only business we had was that of dealing with the people who were asking for special rates.

"We had the following applications for handicapped workers:"

There is really nothing else in respect of the meeting except that our next meeting is to be held on May 19th, when all matters of this kind will come up again.

In connection with the proposed collective bargaining, sir, in which you are particularly interested, we feel as an organization that collective bargaining is going to be, and, as I have explained to you, we recognize in our industry it would act in the way we have worked it out.

Any collective bargaining act should permit the continuance of the present machinery for good industrial relations now existing in many plants in the province, such as employees' representation plans, works councils, independent unions, or joint committees, the latter being particularly applicable to small plants. Someone made reference this morning to the Wagner Act. We know that has been operating on the other side of the line to the south of us, successfully, but not successfully for both parties. I was in a plant this week in which the employees, themselves, have a matter coming up in the Supreme Court in an endeavour to get straightened out under the Wagner Act some difficulty. As far as the arrangement in the factory is concerned it is fine. However, there is something the Act tries to make them do but which the employees do not wish to do. I am sure the learned gentlemen at this table will take that into consideration in revamping the Act. That is occurring all over the country. It was urged on the government that individual employees or minority groups should be allowed freedom of association and freedom to work without being obliged to join a union or maintain their membership therein.

The check-off system of collecting union fees should not be permitted and certainly should not be made compulsory.

THE CHAIRMAN: Nobody has asked for it.

A. I know, but that does not stop me from saying it.

Q. You do not advocate that?

A. No. I am just trying to—

Q. No one has asked for it.

A. What I am getting at is the fact that we are now acting as collection agents for the Workmen's Compensation and the Federal Government in respect of bonds and stamps and all the other things. We have plenty to do without adding another burden on our list.

It is further suggested that unions should be made more responsible for their actions, by incorporation or otherwise. As I explained to you before, I cited the Stratford case for you, and the reason for that particular case. Unions should be required to register and to file copies of their Constitution and By-laws, a list of their officers, and an annual statement of income and expenditures, the same as we in industry do. Unions should be forbidden to use intimidation, misrepresentation and other unfair practices, with penalties for infraction.

That is roughly the story of The Industrial Standards Act. I hope I have been able to give you a little idea of what we in the wood furniture industry have tried to accomplish and which we feel we have accomplished. I hope I have talked enough that there will be no questions I will have to answer.

Q. Do you know of any factories in your industry which have been requested to sit down and bargain collectively and which have refused to do so?

A. Not to my knowledge. As far as I am concerned I cannot even tell you what the local plants are doing. I am running my own business and minding my own business to suit myself. I know we have our committees, recreation clubs and things of that kind in Stratford and some of the other places. There are meetings the same as in my plant in respect of any production problems and grievances.

Q. You mean in recreation quarters?

A. That is one section of our baseball and softball programme, but we have a separate committee again composed of a man selected from each department to take care of his particular department.

MR. GADD: Mr. Preston, you say in your opinion there is a Collective Bargaining Bill in effect at the present time in The Industrial Standards Act?

A. Yes.

Q. Is it true that if a group of employees is to have a code set up it would also, at the same time, have to have employers apply—

A. No, no.

Q. A group of employees?

A. No; employees or employers can make application to the Minister of Labour for a conference but the employer or employee does not have to respond if he does not want to.

Q. That is what I want to know.

MR. A. A. MACLEOD: This gentleman has said he has no objection to the principle of collective bargaining. In saying that he infers he has no objection to the employees in his plant organizing into a free association, but he goes on from there to say that whether or not he will recognize them he will not say.

THE CHAIRMAN: He says he, himself, does negotiate with his own employees, but does not want to be told he has to.

THE WITNESS: That is right.

MR. MACLEOD: Q. Is this a union?

A. No, sir. I explained we have no union in our factory.

Q. But let us suppose that either one of the A.F. of L. unions or C.C.L. unions were to organize your plant and the majority of the employees were to choose either one or the other of these bargaining agencies, would you have any objection to signing an agreement with them?

A. I will sign an agreement with my own employees and no one else.

Q. That is not my question. Let us say the international association—

A. As I explained a minute ago my employees know my problem, I know their problem, but the man from the outside does not know anything about the industry.

Q. My concrete question is, let us suppose the International Union of Upholsterers were to organize your plant and the majority of your employees were to become members of that union through a properly constituted vote, it being an A.F. of L. union, would you have any objection to signing an agreement with that union?

A. The boys can be members of any unions. There are lots of unions in Stratford. Take the Canadian National shops, they are all unionized.

Q. You would not have any objection whatever to signing an agreement—

THE CHAIRMAN: That would depend upon the terms of the agreement.

THE WITNESS: Certainly. Why ask me a question like that?

Q. Would you negotiate?

A. This chap said he might be able to write it but he might not be able to put the terms in it.

MR. MACLEOD: Q. Would you negotiate with them?

A. Certainly. As soon as they got something which was agreeable to both of us how long did it take them to go to work? That answers your question.

Q. Since you are ready and willing to negotiate with and perhaps sign an agreement with such a union as this, any legislation which may be passed would not be penalizing you; it would be only people who, unlike you, are unwilling to sign agreements.



A. That, of course, applies in any industry of any workmen. Here is a man, an employer here, and if he says "Yes" that is all I want to know. The same thing applies to any employer, but it may not apply to his next-door neighbour.

THE CHAIRMAN: I think your presentation has been very frank and fair.

Are there any questions by the members of the Committee?

MR. FRED GILBERT: Q. Do you believe when employees join a union they join that union in order to get the benefits which are not provided within their plant? What I mean is by joining another union they get information and come in touch with other things and quite a lot of things which, not being organized within their own plant, they are ignorant of?

A. I did not get the first part of your question.

MR. FURLONG: That is an educational question.

THE CHAIRMAN: You are asking the witness to give an opinion as to what is in other people's minds.

THE WITNESS: If you were listening you would have heard that I have no objection to that man going to the Knights of Columbus, the United Church, or any other "Union".

MR. FURLONG: Very well; thank you, Mr. Preston.

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MR. FURLONG: The next presentation is to come from the Packinghouse Workers Organizing Committee.

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#### PACKINGHOUSE WORKERS ORGANIZING COMMITTEE.

MISS MARGARET SEDGEWICK, sworn.

THE WITNESS: This delegation, sirs, represents the Packinghouse Workers Organizing Committee. We realize there have been very comprehensive representations made so far, but our members are very anxious they should add their voice to the representations of the other branches of the labour movement—it is something like the debate on the Speech from the Throne, everybody wishes to go on record. We have endeavoured to keep our brief down to items within our experience outlining anything we think should be included in the Act.

The president of the Sub-District Council of Eastern Canada will present the brief to you.

MR. FURLONG: Very well.

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R. J. SMITH, sworn. Examined by MR. FURLONG:

Q. Mr. Smith, what is the Packinghouse Workers Organizing Committee composed of?

A. It is a branch affiliated with the C.I.O. and also the Canadian Congress of Labour.

Q. Your office is that of president?

A. President of the Sub-District Council of Eastern Canada.

MR. MACKAY: Of what?

THE WITNESS: The Packinghouse Workers.

MR. FURLONG: Very well; proceed.

A. Thank you.

"This delegation represents the Ontario locals of the Packinghouse Workers Organizing Committee. The P.W.O.C. is an international union affiliated to the Congress of Industrial Organizations and in Canada to the Canadian Congress of Labour.

The P.W.O.C. is a young union in Canada—just about two years old. However, in those two years we have had a variety of experiences which illustrate the reasons for organized labour's united request for a compulsory collective bargaining Act.

In May, 1941, one of our first local unions reached the stage of organization when it asked the employer for recognition and an agreement. The employer refused to deal with the union and attempted to set up a company union. This was unsuccessful because only about 25 of the workers would even vote in an election for employee representatives which the company attempted to hold. A walk-out took place as a result of which a Conciliation Board was set up. The Board recommended that the employer deal with the union. The employer again refused. There was then a strike lasting several weeks, at the end of which time a compromise settlement was reached. By this time, of course, considerable bad feeling and dissatisfaction was evident among the workers, which made harmonious employer-employee relations within the plant almost impossible. In the months that followed, the members complained that the management was doing everything possible to break the union; there was constant friction and the union representative was kept running back and forth trying to straighten out difficulties. The situation came to a head in May, 1942, when two union members were fired, unjustly according to their fellows, and the company refused to submit the case to arbitration. A walkout occurred, but the workers were persuaded to return to work the next day. When they presented themselves at the plant gates they found themselves locked out by the company. The Federal Department of Labour appointed an Industrial Disputes Inquiry Commissioner to investigate and make recom-

mentations. After a number of hearings, the Commissioner recommended that the employees be taken back on a seniority basis and the discharge cases submitted to arbitration. The union agreed to this settlement but the company declined to agree. The Government then ordered Selective Service to refuse the company permits to engage any new help. This has been the position since last summer. For all these months that plant has been on about 50% production of essential foodstuffs, both for domestic consumption and for export to Britain,—all because the management was determined to keep the union out. We are glad to report that within the last month there has been a change of attitude and a satisfactory settlement of this case is in process of being reached. But all this trouble, ill-feeling and loss of production could and would have been avoided if collective bargaining had been mandatory when the employees first approached their management almost two years ago.

We have had experience with company unions, too. Our union has replaced this type of organization as bargaining agent in several plants after a government-supervised vote. We want to point out, from our observation, that the 'independence' of a one-plant organization is not proved by adducing that the organization holds an election in which management does not interfere. Much more important is what happens to the officers or committeemen after they are elected. Too often, we find, they become 'company men', around whom the management can build up a discreet system of espionage."

THE CHAIRMAN: Explain what you mean. You mean after a battle there is collusion?

A. Between management and the officers elected we have found in a couple of unions.

Q. You are referring to company unions?

A. Yes.

Q. You think that would not apply in another union?

A. No. I have never heard of it.

"We have heard officers of a company union who were hostile to and working against our organization, tell company officials who were boasting of long years of harmonious employer-employee relations, that the workers were afraid to present grievances to the company union representatives. This is especially liable to happen if the representatives are not instructed by and held responsible to a regularly-meeting body of the employees. No employee organization, we submit, should be held to be 'independent' or given recognition in any collective bargaining Act which does not insist on the responsibility of its officers and committees to its membership.

Our union has not always been in trouble; there is a sunny side to our story. We have made agreements with employers who accepted the union as soon as the majority of their employees had chosen it. One of them,



at the end of the first year of the contract, had this to say: 'With Local . . . as sole bargaining agent for our employees, the company recognizes the right of our workers to have an organization of their own choosing and we are satisfied that we are attaining better employer-employee relations.'

The P.W.O.C. wants a compulsory collective bargaining Act because we want to see the end of the little civil wars that are being waged in many plants in this province and to get down to carrying out the true functions of a union.

In our industry the first job to be done is to raise the working and living standards of our people. One scarcely needs to mention the word 'packinghouse' to call up a picture of low-paid, underprivileged workers—the picture that was brought to light by the Price Spreads Commission in 1934. Conditions are better since those revelations, but there is still plenty of room for improvement. However, in the packinghouse field there is another special situation, in that a large number of the workers are either foreign-born or the children of foreign-born parents. The union can render a service to these new Canadians that perhaps no other organization can give—it is not kept pre-occupied by the struggle for existence. In the first place, it brings together good, bad and broken English speakers for common activities and the discussion of common problems. This not only trains our members in self-expression but creates a feeling of unity and fellowship. In the second place, the union meeting gives the new Canadians, as well as others, information about national and international events of general interest to all citizens. For the local union does not confine its discussions to the affairs of its own plant. It can debate and pass resolutions on anything from the foreign policy of our Government to the desirability of tablecloths in the lunch-room. It can thus be an integrating medium for different racial groups in the community and a training-school in the techniques of democracy. This is what we want the P.W.O.C. to be. We want to spend more time and attention on education and on cultural and recreational activities. But we will only be able to do so if we first get a genuine collective bargaining Bill.

The P.W.O.C. believes that there are certain fundamental requirements if a collective bargaining Bill is to be adequate.

1. We agree with all other sections of organized labour that collective bargaining with the freely-chosen agency of the majority of workers in any bargaining unit should be made compulsory. We disagree with the position of the Canadian Manufacturers Association that any minority of employers, however small, should be permitted to defy the wishes of their employees in this regard. The trouble and disharmony thus created have repercussions beyond the particular plant in which they occur. The other locals of the union involved—and sometimes the whole labour movement—become disturbed and agitated.

2. We ask that 'company unions' be outlawed by the Bill. We are convinced that such organizations cannot be truly representative of the wishes of employees. We are opposed to any interference whatever by the employer in the organization of his employees. Workers must stand on

their own feet, make their own decisions and profit by their own mistakes, if they make any. Paternalism, even the benevolent form, is not good for any group of men or women. It breeds isolationism and self-centredness, which has been one of the curses of modern society. Workers must take an active and intelligent interest in the affairs of their community, if democracy is to be maintained, and interest in the problems of their own industry and fellow workers is a good place for them to begin.

3. We are opposed to incorporation or compulsory registration of unions, especially any mandatory provision for filing of financial reports. Our union regulations provide for financial statements to the membership at their monthly meetings. Our International Office made regular audits of the district and local union accounts. We believe that this proposal from employers is based on a desire to be able to ascertain the financial position of any union in case of a dispute and might have the effect of stiffening resistance to a relatively weak union in the early organizational stage. This is a consideration which has nothing to do with the merits of a dispute and should not be introduced.

4. We have studied the brief to this Committee of the United Steelworkers of America and, without repeating their arguments, which we consider thoroughly valid, emphatically agree that special administrative machinery should be established to carry out the provisions of a collective bargaining Act. Our opinion is based on our own experience of court proceedings under Section 502A of the Criminal Code and of hearings before Boards of Conciliation and Industrial Disputes Inquiry Commissions. We recommend that a board be set up under the Act on which specially-qualified persons will serve and through which a body of jurisprudence may be built up around the complicated but important subject of industrial relations.

5. We also agree with the United Steelworkers that the enforcement machinery provided in any collective bargaining Act will be the test of its adequacy. We believe that penalties should be provided and that their application should take effect within a specified number of days after the administrative board has made its findings, without appeal to the courts on the facts of the case.

6. We would object to the inclusion in the Act of any provisions dealing with possible non-fulfilment of contractual relations entered into between an employer and the bargaining agency of his employees. We submit that this Bill will be enacted, if it is enacted, to guarantee to workers a right which is now universally admitted but which has been found in this province to be in some instances denied. The regulation of contractual relations is another matter entirely and is out of place in a Bill to guarantee collective bargaining.

7. We request that provision for check-off of union dues be made in the collective bargaining Act. This should only, of course, be obligatory on employers if the local union asks for it by a majority vote of its membership. And the rights of the individual members should be preserved by a clause stipulating that any member may be excepted from the check-off on

written application to the management. We wish to point out that the check-off is not the bogey which some would seek to make it. It is merely a convenience extended to workers in the same way in which deductions for war savings, Red Cross and similar purposes are agreed to by employers. The purpose is to release the energies of the most active and capable union members for more exacting duties than the collection of dues. We repeat that unions which prefer to collect dues themselves would not be compelled to arrange for the check-off and we draw the attention of the Committee to the fact that its inclusion in the Nova Scotia Trade Union Act has not imposed any intolerable burden on employers nor acted as an anaesthetic on the unions, which are among the most active in the country.

In conclusion, we wish to express our conviction that a large proportion of industrial workers do want to be organized in recognized labour bodies, notwithstanding the small percentage of those enrolled to date. We would point out that one reason for the low figure is that until recent years there have been very few unions in which unskilled and semi-skilled workers were eligible for membership. This is certainly true in the packinghouse field. Now that we have offered these workers assistance, we are overwhelmed with requests for organizers and our small staff cannot begin to get over all the ground. We know that this is true also of other industries with a similar type of working force. We believe, therefore, that the Committee can rest assured that in recommending to the Government the kind of legislation which organized labour has suggested to it, it will be complying with the desires of the great majority of industrial workers in this province."

That concludes the presentation of the brief.

MR. FURLONG: Q. You go further than your parent body in regard to check-off?

A. Well, at the present time, in the local in which I am, myself, we have a check-off.

Q. But you have negotiated it?

A. We have negotiated it in our agreement, yes.

Q. All we have heard so far from anybody is that if check-off is provided for in an agreement the law provides that is not illegal but that no compulsion is provided for. That is, I take it, you are not very serious about that?

A. Well, in the check-off I should imagine if we got it in any union agreement we could get it.

Q. It is a matter of negotiating an agreement, the same as you negotiate for hours of work and wages, and so on?

A. Yes.

MISS SEDGEWICK: Mr. Chairman, I know it has not been included in the representations of other bodies, but I know there are a large number of unions



in favour of it. Our members certainly are and have always asked for it in entering into negotiations. We think there has been a lot of unnecessary feeling aroused about the word without, perhaps, any understanding of the word. We think, seeing it is already included in the Trades Act in this country, probably this Committee should consider that point especially in view of the fact there have been representations made in respect of it. Our underlying feeling about it is that the purpose of trade unions, as opposed to what the attitude of some manufacturers seems to be, in a plant actually helps an employer in an industry to conduct his efforts rather than hinders them. If it is accepted, it will do that. In those circumstances the employer will be helping himself if he helps the union.

This matter of checking off the union dues is, as has been said in the brief, a convenience to the union. It saves the time of the officers and a lot of unnecessary bookkeeping. We think if anyone did not wish to have his dues checked off he would not have to do it. We think it is the same modern development as that which is shown in the checking up of income tax. It is new and, on that account, it should not be discouraged. It is most effective in checking up Red Cross contributions and War Savings Stamps and in this field why should it not be introduced because, as we say, the time of the union members may be spent more advantageously both for themselves and for the companies with which they are dealing.

THE CHAIRMAN: They will have these companies spending so much time checking off things they will not have any time to tend to their business.

MISS SEDGEWICK: We take the attitude that the check-off of the union dues is far more easy than anything else. Generally, it is a dollar a month and in most of the C.I.O. Unions that is what it is. It is one of the simplest kinds of check-off which can be made

THE CHAIRMAN: You know, some of the larger unions advocate very seriously against check-off and they maintain wherever there is check-off it is detrimental to the union itself, because it makes it too easy for the union. That is, I think, the allegation of the A.F. of L. and many of the C.I.O. unions. However, it is a point for the consideration of the Committee.

That is all?

THE WITNESS: I have another member of the delegation I would like to speak. I would like to call on Bro. Harper.

MR. FURLONG: Miss Sedgewick, is that all?

MISS SEDGEWICK: It is, sir.

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JAMES HARPER, sworn.

THE WITNESS: I would like to state the case of our own relation with the company with which we signed an agreement almost two years ago.

THE CHAIRMAN: What company?

THE WITNESS: Lever Bros. Limited.

Q. Of Toronto?

A. Yes. We have probably the finest relation of any union-management agreement in Canada, but we should go back as far as 1936 when we first tried to organize a union of our own in that plant. It is rather a good example of the attitude in Canada, of what is lacking as far as legislation is concerned towards the enforcement of labour negotiations.

In our plant at that time there was quite a feeling then that conditions were relatively good. They were not good, but they were relatively good.

Q. How many employees are there there?

A. There are 700 there now. At that time we tried to form a union. The answer we got then was that here was a company which extended all over the world and, "If we sign an agreement it would affect all the other companies", so, therefore, they could not sign one. What we did land into was a sort of independent union. It was not a company union. We had a certain amount of independence but we found the company would not sign an agreement but would rather have a state of gentlemanly relation. All the agreements were verbal, and unless you actually managed to keep records of the thing, you depended mostly on your memory. The company kept records and we had none. Finally, they established relations with the company in the end and by taking a vote they agreed to a collective bargaining agreement. We have the maintenance of membership and check-offs. We believe that from the statement of the company and ourselves our relations with the company have improved conditions in that plant also from a point of co-operation with the company and on the part of the employees they have improved conditions in the plant 100%.

The peculiar part of this thing is that this attitude towards unionism is most peculiar to Canada. Our company as it stands is probably situated in every country of the world, probably established in every country of the world. In every country of the world there are recognized unions. In the United States they have federal locals of the A.F. of L. Only in Canada when we approached them did we find any attitude of antagonism towards it. It is part of their business. They look upon it as part of ordinary business to deal with the workers and the problems of the workers. The fear of unionization here was fear by management, Canadian management at that time. They did not understand labour in every other part of the world and although it was recognized at that time they were afraid of it. Time has shown that we have improved conditions in the plants by signing agreements.

Q. Without any legislation?

A. Yes. There should not be any fear of signing agreements. I do not know whether I am entitled to refer back to one of the previous witnesses heard here, but he referred to the Industrial Standards Act and to me to what he was actually referring was that there should not be such a thing as compulsory agreements. He did not mention anything about getting down to sitting around the table. If you agree to negotiate in the first place then you can compel those

sitting around the table to agree to something. However, that is not the question here. The question here is the recognition of unions. It is probably one of the most important things you face to-day.

That is about all I have to say.

MR. FURLONG: Thank you very much.

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MR. FURLONG: If Mr. Edward James Young is present would he be so kind as to step forward?

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EDWARD JAMES YOUNG, sworn. Examined by MR. FURLONG:

Q. Mr. Young, where do you live?

A. Toronto.

Q. What is your business?

A. Farmer.

Q. You operate a farm?

A. Yes.

Q. Where?

A. Saskatchewan.

Q. I see you have something in written form to present to the committee. You might as well proceed.

A. Thank you.

"Gentlemen:—

In presenting this brief for your consideration, I cannot claim to speak for any organized group of either employers or employees. I do however belong to an unorganized group of employers. Though unorganized, this group is the largest employer, in fact it is the only real employer in the country. I refer to the consuming public—the people who actually buy the goods produced by labour. They are the ones who pay all the wages, and all the other costs that enter into the production and distribution of goods. They are the ones who will have to pay for whatever legislation comes out of this enquiry. They have a vital interest in all legislation affecting costs and prices. Being unorganized they have no one to speak for them but their elected representatives in Parliament. They look to these representatives to protect their interests. If that protection is not given, it is on the elected representatives that the blame will fall. If the



consumers' interests are neglected and, as a result, prices rise beyond their ability to pay, they can neither call a strike nor institute a lockout. Their only recourse is to buy less goods. This remedy they never apply willingly. They never stop buying merely to bring other people to their senses. They curtail purchases only when they can't pay the prices asked. But when they do, the effect is devastating. There is loss of business for employers and for the workers, widespread unemployment and distress. This is a cruel punishment to bring on the community; but it does happen at times; and there is grave danger of it happening again.

Much can be said in favour of collective bargaining as a means of preserving industrial peace. But when employers and employees meet together to bargain collectively, there is always the danger that they forget the interests of the consumer and merely agree to improve their own positions at his expense. Collective bargaining that disregards the consumers' interests can easily do more harm than good.

A number of suggestions have been made as to what the proposed collective bargaining Bill should contain. These might be summarized as follows:

That the Bill should:

- (1) Apply to all workers and to all employers including Governments.
- (2) Give every worker the right to join the union of his own choice.
- (3) Compel employers to bargain collectively with whatever union the majority of the workers select.
- (4) Require that the union so chosen shall be the sole bargaining agency in the plant or industry.
- (5) Permit a closed shop wherever one is agreed on by both employers and employees.
- (6) Outlaw all company unions, that is, all unions that are founded, controlled, influenced or subscribed to by the employers.
- (7) Outlaw all yellow dog contracts.
- (8) Exempt all parties to collective bargaining agreements from prosecution for combining in restraint of trade.
- (9) Exempt unions from responsibility for the actions of their members.
- (10) Deny workers the right to contract themselves out of a collective bargaining agreement.
- (11) Forbid employers to discriminate against employees for union activities, or interfere with the conduct of a union.

- (12) Require the Minister of Labour to enforce all collective agreements at Government expense.
- (13) Provide no action at law against employers or unions that violate collective agreements.
- (14) Make no provision for incorporation or registration of unions, or for publishing their financial reports.

You are also being asked, when the proposed Bill is finally drafted, to hold a secret session to which union officials shall be invited, to go over the Bill and see that it meets with their approval before it is submitted to the Legislature. I will deal with a few of these suggestion.

- (1) 'That the provisions of the proposed Bill apply to all employees and all employers, including governments.' It seems strange that a government should refuse to be bound by laws that it frames for the binding of its citizens. Yet I do not see how the government could make itself subject to this proposed Bill. In the last resort government is authority and can brook no flouting of its authority. It can tolerate no strikes among its employees. It cannot permit the public services to be tied up over labour disputes. It is the guardian of the people's rights and those rights cannot be made the subject of bargaining. I do not think government should be subject to this proposed legislation.
- (2) Everyone will agree with the second suggestion—that every worker be protected in his right to join the union of his own choice. This right should be maintained against all who would challenge it, whether the challenge be an employer, a fellow worker or whosoever he may be.
- (3) In regard to the third point—that employers be compelled to bargain collectively with whatever agency the majority of the workers choose by their ballots—it would appear that if the government is going to compel employers and employees to bargain collectively, it will have to assume responsibility for seeing that the consumers' interests are not sacrificed in the bargaining. This would be a difficult and thankless task for any government; but it is a responsibility the government cannot escape if it takes the first step of compelling employers and employees to bargain collectively. If the government ever allows itself to get into that position, it might some day find itself under the necessity of determining what would be a proper wage for each and every job in all kinds of complicated industrial establishments—a task no government is qualified to perform.

In my opinion the government would be well advised not to take the first step that might lead it into such a position.

- (4) The proposal that the bargaining agency chosen by the majority of the workers shall be the sole bargaining agency for the entire

plant or industry would deprive other unions of the right to function. Such an arrangement would deliver the minority of the workers into the hands of the majority; and if there were enmity between the unions, it would deliver the smaller union into the hands of its enemy. If such a provision is embodied in the proposed Bill, the government will have to assume the responsibility of protecting the rights of the minority—not only to see that the minority receives fair treatment but also to see that its case is competently handled. This is another task for which government is not qualified and it would be better for all concerned if the various groups in the plant were allowed to do their own bargaining. I was glad to see that a strong section of the labour representatives appearing before your Committee shared this view.

- (5) The Closed Shop. Your Committee has not been asked to make provision for a closed shop. You have been asked to tolerate a closed shop wherever one is agreed on by the bargaining groups. Whether the closed shop is asked for or not the matter of the closed shop should be dealt with in any collective bargaining Bill that is submitted to the Legislature.

Your Committee is asked to recommend a Bill that will give the worker the right to join the union of his own choice. You are also asked to permit a closed shop wherever the employer and the bargaining agency are agreeable. If this latter request is granted it will be the negation of the workers' right to join the union of his own choice. It is possible for the worker to have freedom of association. It is possible for him to have a closed shop. It is not possible for him to have both, for the one destroys the other.

But this is not the worst feature of the closed shop. Under a closed shop the worker can be compelled to join a union against his will, and the union is empowered to collect dues from that workman or have him dismissed if he refuses to pay. This is an invasion of the most fundamental rights of the citizen. The Great Charter itself laid down the rule that 'no scutage or aid shall be imposed in our realm save by the common council of the realm'. The power to levy taxes should rest only with the elected representatives of the people. We do not allow the King to do it. We do not allow the Government to do it. But in a closed shop we find private citizens levying toll on other citizens and forcing payment of the same.

And consider the punishment that awaits the man who refuses to pay! He is deprived of his job. A workingman's job is his only means of support. Deprive him of that and you deprive him of his livelihood. Let me quote again from the Great Charter: 'No free man shall be seized or imprisoned, or dispossessed or outlawed or in any way brought to ruin'. These are the words of the Great Charter which stands at the base of all our freedom. Even criminals may not be deprived of their means of livelihood. Yet wherever you permit a closed shop you find men subject to that punishment, and for what offence? For daring to refuse to pay dues levied on them without their consent by private citizens.

There is still another danger in the closed shop; it might be accom-



panied by a closed union. I have known cases where men applied for work and were told they could not be hired unless they had union cards; and, when they applied for admission to the union, they were told that the union had all the members it could handle and would not admit any more until all present members were employed. It is a pretty serious state of affairs when a group of workers can arrogate to themselves the sole right to work at a trade.

See yonder poor, o'er-laboured wight,  
So abject, mean, and vile,  
Who begs a brother of the earth  
To give him leave to toil;  
And see his lordly fellow-worm  
The poor petition spurn,  
Unmindful tho' a weeping wife  
And helpless offspring mourn.

Any law that permits a closed shop would have to make provision for keeping the unions open to all who wish to join, and would also have to see that the fees were not excessive.

In my opinion, Mr. Chairman—the closed shop is an iniquity that should not be tolerated and my recommendation is, that, whatever else goes into the proposed Bill, there should be a clause forbidding it.

- (6) You are being asked to outlaw company unions and company unions are defined as unions that are founded, controlled, influenced, or subscribed to by the employers.

If the Government wants to give the worker the right to join the union of his choice, it should not place any restriction on his choice. If, to-day, it sees fit to ban all unions that are influenced by the employers, to-morrow it might decide to ban all unions that are influenced by anyone not actually employed in the industry. This might make it difficult for some of our most competent labour leaders. At another time the same authority might see fit to ban any union that is lenient with its members in the payment of dues. A dozen excuses might be found for banning unions if the Government once started the practice. If this request is granted I fear the unions themselves might live to regret it.

- (7) I approve the suggestion that all yellow-dog contracts be declared null and void, provided yellow-dog contracts are clearly and properly defined.
- (8) I doubt if the Legislature has power to exempt any one from the provisions of the Combines Act.
- (9) Exempting the unions from responsibility for the actions of their members—much of the trouble that arises in labour disputes is due to mass picketing. Might it not be a good idea to regulate picketing and license the pickets, issuing only enough licenses to do the lawful work of picketing and not allow other people to congregate on the picket line.

(10) Enforcement by the Minister at Government expense.

Before the government undertakes this task it might be a good idea to make some inquiry as to the probable cost of proper enforcement of all these agreements.

I strenuously object to the proposal that a secret session of your Committee and the union officials be held to consider the final draft of the proposed Bill before it is submitted to the Legislature. Legislation that affects the welfare of all the people should not be made in secret, and if secrecy is necessary no interested party should be admitted. The very fact that a secret session is being asked for causes a feeling of uneasiness in the public mind."

Q. Mr. Young, you are the former chairman, I see, of the Industry and Labour Board?

A. Yes.

Q. You are not chairman now?

A. No.

Q. How long have you been out of that?

A. Since last April.

Q. What position do you now hold?

A. I am a director of the Canadian National Railways and a farmer. Putting it the other way, I am a farmer and a director of the Canadian National Railways.

THE CHAIRMAN: Q. You produce the stuff to give to the Canadian National Railways to carry?

A. Yes.

MR. FURLONG: Q. I see in the first part of your memo. you deal with the consuming public?

A. Yes.

Q. Do you not think the people who belong to these organizations are the consuming public or part of it, at least?

A. They are part of the consuming public. They are organized groups, which is quite a different thing from the consuming public. That part is not nearly the whole, nor equal to it.

Q. There is nothing in a collective bargaining Bill about wages. Your fear in this seems to be that the cost of production will increase so greatly it will be reflected in the commodity when the public buys it.

A. We know that when meet to bargain collectively they mean higher wages. When they are compelled to get together and bargain they are apt to say "On what can we agree?" and they are apt to agree on something and lose sight of the public interest.

THE CHAIRMAN: Both sides?

THE WITNESS: Yes.

MR. FURLONG: Q. After all, do you not think the problems of labour and of the employer should be discussed by both at a meeting?

A. Yes, but I say when the government compels them to sit down and bargain together then the government must assume some responsibility for what they do in the bargaining.

Q. Well, how else are they going to settle their grievances if they do not sit down and bargain together? Is there any other way?

A. I am talking about compulsory bargaining.

Q. But when certain companies refuse to do it, how do you think they could accomplish it without being forced to sit down and negotiate it?

A. Has it not been accomplished in other countries and in this country hitherto?

Q. No, it has not. What about all these strikes?

A. There are many theories about what are causing them, but we do know that employers are gradually learning it is better to deal with their employees than not to deal with them, and we know that has been going on without any compulsion.

Q. If they are learning that gradually, do you not think if it were brought about suddenly by a piece of legislation it would be better—

A. I do not know.

Q. —than if it were to go through the long years of turmoil, suffering and the killing of people as happened in England?

A. I have a cat and a dog. They will eat out of the same dish now, but if I locked them up in a room and compelled them, I do not think they would for very long.

Q. Well, you have not trained them.

THE CHAIRMAN: I can see your point of view quite well, Mr. Young. It is rather refreshing to hear someone trying to say a word for the great unrepresented consumer.



THE WITNESS: Might I correct you, Mr. Speaker? The consumer is unrepresented but, after all, he has representatives in Parliament and it is their duty to guard his interests, not the interests of any organized group.

Q. That is what members are supposed to represent—everybody?

A. Yes.

Q. But you know you have had enough experience, and your knowledge extends to the terrible condition which existed in Switzerland. There was almost a complete breakdown in economic life until both labour and management recognized they had reached an abyss and got their heads together. The same thing happened in England.

Q. Have they a compulsory bargaining?

A. No, but there was a standstill and strife and people were seriously injured in this sort of business. They had a complete, general strike in England in 1926. Finally, through the lessons learned at that time, through all the turmoil, strife and everything else public opinion was educated to the point where manufacturers realized themselves it was better to get around and talk like human beings, on a basis of equality with the elected representatives of the employees, without any compulsion. The force of public opinion forced them to be absolutely afraid to sit down and talk with the elected representatives of employees.

A. Can we not do the same thing here as England did, do it without compulsion?

Q. Apparently not.

A. People have to be educated and grow to things. England did not reach that stage in one day.

Q. But we are a younger country. I realize that.

MR. FURLONG: Q. Do you not think we might benefit by what happened in England and take England's experience as a lesson?

A. Yes, but we should not take their experience which has been successful when we can be successful by doing something else.

THE CHAIRMAN: In England you have a homogeneous mass. They live in the same manner and speak the same language. In this country we have people from every country in the world, in an enormous area and different geographical conditions with which to contend, different economic conditions with which to contend and different people with whom to contend. It may be that we are a little behind time.

A. Then, if you put people who are not congenial and who are incompatible into a room and tell them to bargain, are they any more likely to arrive at an agreement than if you leave them free to get in there themselves and do it?

Q. I suppose possibly the majority of them are willing and wish to sit down and make collective bargaining agreements with the properly elected representatives of employees, but apparently the difficulty, so far as all the evidence here shows, is that there is quite a number who are still unwilling to. None of the organized labour groups are asking the compulsion go in further than to compel the manufacturer to sit down with his representatives and talk the matter over with the properly elected representatives of employees. It is not being urged that a government agent be sent in and say, "If you cannot agree, I will listen and hear what you have to say," and "Here is what you have to do." They are not asking for that.

A. In England, or in Canada, we are a long way from the scene and we do not see what is happening. We only get a general picture. Here we are closer to the working end of it, and we are familiar with all the little troubles. Taking a bird's-eye view of things I often think things are not so bad in Canada. I do not think our industrial conditions are so bad.

Q. I agree with that, but the idea is to improve them.

MR. NEWLANDS: Q. You say you are interested in the cost of living to the general public.

A. Yes.

Q. You, being a farmer, do not take into consideration the fact that the government hands subsidies to farmers and the public have to pay?

A. I am not suggesting the government should subsidize the farmers. A situation has arisen in this country in which the farmers, who represent about 35% of our population, receive 9% of the national income. The point has been reached at which the farmer cannot maintain his buildings. He is living on old fat and on the accumulation of previous generations and everything we do seems to work against him. The time came when the government to enable the farmer to carry on increased production found it had to bonus him.

THE CHAIRMAN: Q. Dealing with the question of why the farmer is getting less many years for his crops and the producing of them, is it because he is not organized? Everyone wants to get the biggest share possible out of the services which are spent in the goods which are produced in the country?

A. Yes.

Q. Even the lawyers like that.

A. I would not say that.

Q. Then, the fellow who is not organized in any manner, shape or form, seems to get a little less than his share, so, dealing with the agitation for unionization and so on, is it not an attempt by the fellows who have been getting probably a little less than they consider is their share to get their share? Take the case of the bank clerks who are not organized, they do not get a square deal. A lot of the people engaged in certain activities who are not organized seem to come out with a little less than their fair share.

A. You are speaking now on behalf of those who do not organize. This is on behalf of the people who organize. Many of the things we do to help the downtrodden, we only help those who are able to help themselves and those who cannot organize are in an even worse condition.

Q. I suppose because the farmer cannot organize is because he is distributed over a fairly wide area?

A. I suppose so, and, when he does, he starts off on the wrong foot.

Q. Probably he should get someone else to come and help him.

MR. HAGEY: Q. You express fear in your brief for the consumer?

A. Yes.

Q. But do you know that has been experienced in any of the provinces here in Canada in which we have collective bargaining?

A. I do not know that I can put my finger on any instance where collective bargaining resulted in the raising of prices beyond the power of the consumer to pay. I cannot think of any at the moment, but I might if I had time. We do know, however, that during the depression when the prices of our export commodities dropped to a fraction of what they had been efforts were made all over the world to maintain wages and prices in the domestic market with the result that all those who were engaged in the export business were not able to buy the products of the rest of the country, the rest of the community. We had unemployment on every hand. We had introduced into our economy certain rigidities. Wages, interest, rents and so on did not come down but the prices we received for our exports did come down and we found ourselves in the position in which half our people could not exchange their labour with the other half. We had destroyed the exchangeability of labour.

MISS SEDGWICK: Q. Is it true you once represented the consuming public of a certain district in Parliament?

A. No. I represented a district in Parliament, however. Are you referring to the consumers league?

Q. Yes.

A. I represented the public in Parliament.

Q. And you do not represent them any longer?

A. No.

Q. Why is that?

A. Because I was defeated.

THE CHAIRMAN: Because he did not happen to get elected?



THE WITNESS: They decided they wanted a change.

MISS SEDGEWICK: Is it not true that your successful opponent was an outspoken advocate of collective bargaining?

A. At the time of my defeat I do not think that was an issue in the campaign at all. The issues were quite different. In fact, collective bargaining was not in issue in that part of the country.

THE CHAIRMAN: In what year was that?

A. In 1935.

Q. Oh, anything could have happened that year. We were just getting over the depression, or starting to get over it.

Any other questions?

MR. MACLEOD: It is very wrong for the witness to have the impression that the consuming public is not represented here. Those of us who have been listening to Mr. Furlong's rather extensive presentations here each morning from all kinds of organizations, including many municipal councils, church bodies and ex-servicemen bodies, and so on, would be rather led to believe that a very considerable section of the consuming public has expressed itself as being very strongly in favour of this proposed type of legislation. I would say that while Mr. Young is perfectly within his rights to appropriate for himself the right to speak for the consuming public, the others named in an official capacity have a somewhat stronger right to speak on behalf of the consuming public.

THE WITNESS: Any I heard speak said they were representing certain organized groups who were asking for something.

MR. NEWLANDS: Mr. Macleod refers to the petitions and letters Mr. Furlong has read each session before starting to examine witnesses.

THE CHAIRMAN: The question is, how to cut up the body.

MR. FURLONG: Thank you, Mr. Young.

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MR. FURLONG: That finishes the day's docket, Mr. Chairman.

MR. FLOYD WALKER: I understand the Sawyer-Massey Association representative was to be here to-day.

THE CHAIRMAN: The Sawyer-Massey Association of Hamilton is on the list.

MR. FURLONG: I called Mr. Williams, but he was not here. He is not now here.

MR. WALKER: I happen to be president of Local 520 United Electrical and Machine Workers of America at Sawyer-Massey, and I asked for permission to come down here to-day in order to question this man.

THE CHAIRMAN: We cannot give you that permission when he is not here.

MR. WALKER: I understand that. I made it known to the management that I was coming down here. That may be one of the reasons he is not here.

I would like to speak to the Committee, if I may.

THE CHAIRMAN: Very well.

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UNITED ELECTRICAL AND MACHINE WORKERS OF AMERICA

FLOYD WALKER, sworn. Examined by MR. FURLONG:

Q. You are not appearing for the Sawyer-Massey Association?

A. No.

THE CHAIRMAN: He said he wanted to ask some questions.

MR. FURLONG: Q. Are you not in the Hamilton Labour Council, with Mr. Dunlop representing Sawyer-Massey, Otis Fensom, Steel of Canada, Hamilton Bridge, International Harvester and others?

A. Yes, sir.

Q. They are coming here to present a brief. Do you not think they will cover your situation?

A. No doubt I will be here.

Q. But, could you not give us your remarks at that time, on Wednesday?

A. I suppose I could.

Q. That would save us a lot of duplication and a lot of time.

A. It could be arranged.

Q. If you could do that I think we would very much appreciate it, because we close the sittings here at 4 p.m. It is now 3.58 p.m.

A. Very well.

Thank you very much, gentlemen.

THE CHAIRMAN: This Committee is now adjourned until 11.30 a.m. Monday, March 15th, 1943.

Whereupon, on the direction of the chairman, this Committee adjourned at 3.58 p.m. until 11.30 a.m., Monday, March 15th, 1943.

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### NINTH SITTING

Parliament Buildings, Toronto,  
Monday, March 15, 1943 at 11.30 a.m.

Present: Messrs. Clark (Chairman), Anderson, Gardhouse, Habel, Hagey, Newlands, Oliver, MacKay and Murray.

Mr. W. H. Furlong, K.C., Counsel to the Select Committee.

Mr. J. Finkelman, Adviser to the Committee.

Mr. J. B. Aylesworth, K.C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.

Mr. D. W. Lang, K.C., Counsel for the Canadian Manufacturers' Association (Ont. Division).

Mr. Arthur W. Roebuck, K.C.; M.P.

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### MORNING SESSION

MR. FURLONG: Mr. Chairman, I have a number of petitions from the members of the United Electrical, Radio and Machine Workers of America, in favour of the Bill, with a large number of names.

A letter from Messrs. R. M. McMullin and F. M. McMullin in favour of the Bill.

A letter from the United Garment Workers of America;

A resolution from the Town of Collingwood;

A letter from the International Association of Machinists, Lodge No. 520;

A resolution from the Town of Midland; some further petitions from the United Electrical, Radio and Machine Workers of America;

A letter from the United Steel Workers of America, District No. 6, of Hamilton;

A resolution from the Township of Crowland;



A wire from Mrs. E. Baxter;

A resolution from the Town of Weston;

A resolution from the Brotherhood Railway Carmen of America;

A resolution of the Town of Brockville;

A resolution of the Municipality of New Toronto;

A letter from the Association of Technical Employees Affiliated with the Trades and Labour Congress of Canada;

A resolution of the Town of Kenora.

All in favour of the Bill.

There are a number of petitions from Ford Local 200, U.A.W.-C.I.O., Windsor, in favour of the Bill.

EXHIBIT No. 123: Letter, March 9, 1943, from E. Steele, for United Electrical Radio & Machine Workers of America, to Mr. Patterson Farmer, Secretary to the Collective Bargaining Committee:

"Toronto, Ont., March 9th, 1943.

Mr. Patterson Farmer,  
Secretary to the Collective Bargaining Committee,  
Room 220, Parliament Bldgs.,  
Toronto, Ontario.

Dear Sir:

Enclosed please find petitions received by our office to be forwarded to your Committee, signed by 332 employees of the Amalgamated Electric Corporation, members of our Union, re question that the Provincial Government pass the promised Labour Bill guaranteeing the right of trade unions to bargain collectively with employers.

Yours sincerely,

(Sgd.) E. Steele.  
E. Steele—for United  
Electrical Radio &  
Machine Workers of America."

Enclosures.

(A petition of 23 pages with the following heading:)

"TO THE GOVERNMENT OF THE PROVINCE OF ONTARIO

We, the undersigned employees of Amalgamated Electric Corporation, Toronto, call upon the Provincial Government:

To immediately bring before the House and pass the Labour Bill as

promised to Ontario workers by Labour Minister Peter Heenan and Premier Gordon Conant, guaranteeing us the right to Collective Bargaining;

To recognize that the recent strikes and disruptions of work in this Province are the direct results of the lack of labour legislation necessary for maximum production to defeat fascism rapidly with a minimum loss of life;

To recognize that company 'unions', such as at present are being fostered by the management of many plants, are denials of the democratic principles for which we are fighting, since bargaining with a company 'union' is a farce and a sham."

EXHIBIT NO. 124: Two letters, dated R.R. No. 5, Perth, Ont., March 9, 1943, signed R. M. McMullin and F. M. McMullin, one addressed to the Hon. Gordon D. Conant, Premier of the Province of Ontario, and one addressed to Mr. James Clarke, M.L.A., Chairman Committee on Collective Bargaining:

"R.R. No. 5, Perth, Ont., March 9, 1943.

Hon. Gordon D. Conant, M.L.A.,  
Premier of the Province of Ontario,  
Queen's Park, Toronto.

Dear Mr. Premier:

Allow me to congratulate you, Sir, on your recent elevation to this high office.

I beg leave to write asking that you give all the assistance of which your highly trained and disciplined mind is capable and lend the full influence of your exalted position in support of legislation on the right of labour to organize and bargain collectively without let or hindrance from employers or others.

With a man, Sir, possessing your wide knowledge of law and affairs, no one need dwell upon the arguments. Indeed, I need only remind you of your own favourable comment, before the Kingston Chamber of Commerce, in which you said 'it will help by giving a feeling of security to labour and certainty to management in the machinery it provides for determining the bargaining agency in industry. It will also give legal status to unions or associations of employees, a thing that has always been lacking in this province.'

Action is needed in this and has been needed for a long time. We look, Sir, to you, the new leader of our province, to step it up to the front rank among all Canadian provinces in this matter of enactments protecting the rights of labour to organize and bargain collectively. Further we urge that you hold out against every influence now at work to frustrate the high purpose behind the proposed Bill. Respectfully submitted,

Yours truly,

R. M. McMullin.

(Sgd) R. M. McMullin.  
F. M. McMullin."

"R.R. No. 5, Perth, Ont., March 9, 1943.

Mr. James Clarke, M.L.A. (Windsor),  
Chairman Committee on Collective Bargaining,  
Queen's Park, Toronto.

Dear Sir:

I write you, as chairman of the Committee recently selected from the Provincial Legislature to study labour problems. The immediate occasion for its appointment was the Government's oft repeated promise to bring down a Collective Bargaining Bill.

Without doubt, the great majority of the citizens of this province desire earnestly that your Committee bring in recommendations in full support of the Government's original proposals. There should be no unnecessary delay in the enactment of such legislation. It is quite apparent, to the majority, that the failure of employers to recognize the right of labour to organize according to its own choice and to bargain collectively is a primary cause in the aggravation of strikes, which in turn hinder our war effort. The public is not going to be fooled any longer into thinking that only employers are loyal and unless something happens soon will be inclined to demand that the Government take over the full management of businesses which are a direct cause for our low standing in the matter of elementary labour legislation. This ranking is, not alone among the provinces of the Dominion, but also among other parts of the British Commonwealth of nations and the U.S.A.

You will have the full support of the best and most progressive elements of the whole province in rejecting, absolutely, the overtures of all selfish and reactionary interests. Further, the bringing down of the proposed Bill immediately, would strengthen the position of the Ontario Government as nothing else could possibly do at this very moment. I am, Sir,

Yours very truly,

R. M. McMullin.

(Sgd.) R. N. McMullin,  
F. M. McMullin."

EXHIBIT No. 125: Letter dated Toronto, Ontario, March 9, 1943, from United Garment Workers of America, Toronto Local No. 202, addressed to the Chairman of the Select Committee on a Collective Bargaining Bill, Queen's Park, Toronto:

"Toronto, Ont., Can., March 9th, 1943.

To the Chairman of the Select Committee  
on a Collective Bargaining Bill,  
Queen's Park,  
Toronto, Ontario.

Dear Sir:

I am authorized by Local No. 202, United Garment Workers of America,



to request your Committee to bring in a favourable recommendation for a compulsory Collective Bargaining Bill, for outlawing of company unions in line with the promises of the Liberal Government of Ontario.

Please do not be intimidated by selfish groups of anti-labour employers, who themselves live in luxury and deny their workers the right to band together for the improvement of their living standards.

These very reactionary groups were opposed to Workmen's Compensation, Old Age pensions, Mother's allowance, Unemployment Insurance and they are now opposed to a genuine collective Bargaining Labour Bill.

We urge you to do the right thing.

Yours truly,

Toronto Local No. 202,

United Garment Workers of America,  
(Sgd.) "Isabelle Grabbins,  
Secretary."

EXHIBIT No. 126: Letter dated Collingwood, Ontario, March 10, 1943, from J. H. Fawcett, Clerk-Treasurer of the Town of Collingwood, addressed to the Honourable Gordon Conant, Parliament Buildings, Toronto:

"March 10th, 1943.

Honourable Gordon Conant,  
Parliament Buildings,  
Toronto, Ontario.

Honourable Sir:—

Enclosed herewith you will find copy of a Resolution passed by the Town Council on Monday evening, March 8th, in response to a request from the City of Toronto, whose Resolution you, no doubt, have before you, having reference to a Bill for Collective Bargaining.

It is the sincere wish of the Council that constructive legislation along this line may be enacted for the mutual good of all concerned.

Yours very truly,

(Sgd.) J. H. Fawcett,

(Sgd.) (J. H. Fawcett),  
Clerk-Treasurer."

Enclosure

"Copy

Moved by Norman Bush  
Seconded by L. P. Dique.

Collingwood, Ontario,  
March 8th, 1943.

Whereas steps are being taken in all Democratic Nations to establish a foundation for a better means of national and individual security and

Whereas special efforts are being put forth to establish or put on our statutes a Bill for Collective Bargaining as a means to a better understanding between Capital and Labour;

Be and It Is Hereby Resolved that the Mayor and Council do express herein our hearty approval of a resolution adopted by the Toronto City Council at its February the Twenty-second meeting setting forth the great need for such Legislation,

And Also that a copy of this Resolution be forwarded to the Honourable Gordon Conant, Prime Minister, Parliament Buildings, Toronto.

That the Seal of the Corporation be placed on this Resolution.

.....  
Mayor. Clerk."

EXHIBIT NO. 127: Letter dated Regina, Sask., March 10, 1943, signed by J. P. Bespalko, Chairman, Publicity Committee of Lodge No. 520, International Association of Machinists, addressed to Premier Conant, Toronto, Ontario:

"1753 Connaught St.,  
Regina, Sask.,  
March 10th, 1943.

Premier Conant,  
Toronto, Ont.

Dear Sir:—

The following is the text of a resolution adopted by Lodge No. 520, International Association of Machinists in Regina, Sunday, February 28th;

We, members of Lodge No. 520, International Association of Machinists, hereby strongly endorse and support the efforts of labour in Ontario to secure collective bargaining legislation from your government at the present session.

In the carrying out of your pledges for the enactment of a genuine collective Bargaining Bill in accord with the proposals of the two Labour Congresses you will receive the undivided support of all sections of the people in Ontario.

Trusting that you and the members of your government will give this resolution your prompt and courteous attention, we remain,

Yours truly,

Lodge No. 520, International Association of  
Machinists,

(Sgd.) J. P. Bespalko,  
Chairman, Publicity Committee."

EXHIBIT No. 128: Letter dated March 12, 1943, from R. S. King, Clerk and Treasurer of the Town of Midland, addressed to Hon. G. D. Conant, Prime Minister, Parliament Buildings, Toronto:

"March 12, 1943.

Hon. G. D. Conant,  
Prime Minister,  
Parliament Buildings,  
Toronto, Ontario.

Dear Sir:

At a recent meeting of Council a resolution was passed endorsing the principle of Collective Bargaining, and the writer directed to respectfully request that a modern Collective Bargaining Bill be passed by the present Session of the Provincial Government.

Yours very truly,

(Sgd.) R. S. King,  
Clerk & Treasurer."

EXHIBIT No. 129: Letter dated March 13, 1943, from C. S. Jackson, President, United Electrical, Radio & Machine Workers of America, District Five, addressed to Collective Bargaining Committee:

"March 13, 1943.

Collective Bargaining Committee,  
Mr. Patterson Farmer, Secretary,  
Room 220, Parliament Bldgs.,  
Queen's Park,  
Toronto, Ontario.

Dear Sir:

Attached hereto are two sets of petitions which have been forwarded to our office from plants in which our union has a membership.



The two sets of petitions are from Orillia and Brockville respectively, and we are forwarding these on to you for your consideration.

Yours very truly,  
(Sgd.) C. S. Jackson.

C. S. Jackson,  
President, District Five."

ENCLOSURE

(Petition of 17 pages with the following heading:)

"BROCKVILLE, Ontario—293 SIGNATURES

PETITION

We the undersigned citizens of the Province of Ontario are desirous of adding our names to the desirability of passing of the Collective Bargaining Bill which is now being put in order for presentation to the Ontario Legislature, the immediate passing of a Bill of this nature is long overdue and will be conducive to streamlining our war effort."

(Also attached a petition from Orillia, Ontario, with 80 signatures, bearing a heading similar to the petition contained in Exhibit 123.)

EXHIBIT No. 130: Letter February 11, 1943, from United Steel Workers of America, District No. 6, Hamilton, to Mr. W. H. Furlong:

"Feb. 11, 1943.

W. H. Furlong.

Sir:

We as citizens of Canada, residents of Ontario, employees of Welland Vale Manf. Co., (Canadian Shovel Works) Hamilton and members of Local 2853 United Steel Workers of America, C.I.O. demand that compulsory Collective Bargaining be enacted without further delay.

If this be a democratic country in fact as well as in word whereby the government is elected from the people, by the people and for the people and considering the many thousands who have requested such a law there can be no other alternative but to pass such a Bill.

If this be a democratic country in word only instead of fact and a serious let down in production should develop through not enacting such a Bill then the lives of many of our fighting forces on the many battlefronts throughout the world will have been sacrificed in vain fighting for a cause which did not exist.

Yours truly,  
(Sgd.) Marvin McAvella,  
Rec. Sec'y. Local 2853,  
55 Cameron Ave. S. Hamilton."

EXHIBIT No. 131: Letter dated March 1, 1943, from the Township of Crowland to Mr. W. H. Furlong, K.C.:

"Crowland, Ontario, Mar. 12, 1943.

Mr. W. H. Furlong,  
Counsel for the Select Committee,  
on Collective Bargaining,  
Room 220,  
Parliament Buildings,  
Toronto, Ontario.

Dear Sir:

At a meeting held by the Crowland Township Council on the 11th day of March, 1943, a Committee whose spokesman was the Rev. F. A. Sayles appeared before the Council requesting them to pass a resolution in favour of giving labour the right to have collective bargaining with their employers in the Province of Ontario.

After due consideration the following resolution was endorsed and unanimously passed by all members of the Crowland Township Council and instructions given to me to forward you a copy of the resolution, which reads as follows:

'In the interest of Labour-Management harmony for Total War production.

'This Township of Crowland Council hereby calls upon the Government of the Province of Ontario to immediately bring before the House a Labour Bill giving labour the right to organize in unions of its own choice providing compulsory collective bargaining, and adopt same forthwith.'

Yours truly,

(Sgd.) W. P. Marshall,  
Township Clerk and Treasurer."

EXHIBIT No. 132: Telegram dated Kitchener, Ont., March 12, 1943, from Mrs. E. Baxter to Premier Conant:

"Kitchener, Ont.,  
1943, Mar. 12 p.m. 8 29.

Premier Conant,  
Queen's Park, Toronto, Ont.

The Women's Auxiliary of the United Rubber Workers of America strongly urges enactment of genuine labour collective bargaining Bill.

Mrs. E. Baxter."

EXHIBIT No. 133: Letter from the Town of Weston to the Honourable Gordon Conant, dated March 12, 1943, with resolution attached:

"March 12th, 1943.

The Honourable Gordon Conant,  
Premier,  
The Province of Ontario,  
Parliament Buildings,  
Toronto, Canada.

Honourable and Dear Sir:

Attached hereto please find copy of resolution passed by the City of Toronto on February 22nd, 1943.

This is to advise you that the Council of the Town of Weston has considered the action of the City of Toronto, as above, and has gone on record as being in favour of having such legislation placed on the statutes by the Ontario Legislature in the ensuing sessions.

Yours truly,

(Sgd.) Musson.

H. G. Musson,  
Clerk."

Enclosure

"COPY OF CITY OF TORONTO RESOLUTION

Whereas the interests of our effort demand maximum and uninterrupted war production, co-operation between labour and management and the elimination of all factors which impede production and cause national disunity; and

Whereas the adopted and proper application of collective bargaining legislation would remove one of the chief causes of industrial disputes in wartime; and

Whereas all labour organizations in Canada have appealed for collective bargaining legislation as already exists in Great Britain, the United States of America and other democratic countries and which is in accord with the principles of the Atlantic Charter to which we are committed:

Be it therefore resolved that this Council petition the Government of the Province of Ontario and requests that it do, at the present Session of the House, enact a modern Collective Bargaining Bill, and that copies of this motion be forwarded to Council of all municipalities within the Province having a population of 4,000 inhabitants or over with a request that they endorse same and forward their endorsation to the Provincial Government."



EXHIBIT No. 134: Letter dated March 9, 1943, from Brotherhood Railway Carmen of America to Hon. G. D. Conant, with resolution attached:

"March 9, 1943.

Hon. G. D. Conant,  
Premier of Ontario,

Sir:

Please find enclosed herewith a resolution for this Lodge which I have been instructed to forward for your consideration.

Sincerely yours,

(Sgd.) W. R. Walch,  
Secretary."

Enclosure

"BROTHERHOOD RAILWAY CARMEN OF AMERICA  
GRAND TRUNK PIONEERS' LODGE No. 488

London, Ont.

Whereas the workers of Ontario have been promised effective Collective Bargaining Legislation for some time; and

Whereas we believe that such legislation would not only be democratic, but would also be in the best interests of a large majority of citizens, would be a benefit to the whole Dominion, and would be a great step toward post-war reconstruction planning. We believe democracy is a wonderful thing and that it should be tried out some time.

Therefore be it resolved, that this Lodge urge the Premier, G. D. Conant, to bring the Collective Bargaining Bill before the present session of the Ontario Legislature at the earliest possible moment.

(Sgd.) W. R. Walch,  
Secretary."

EXHIBIT No. 135: Letter from the Town of Brockville to the Hon. Mr. Conant dated March 11, 1943:

"Brockville, Ont., Mar. 11, 1943.

Premier Conant,  
Parliament Buildings,  
Toronto, Ont.

Hon. Sir:

The Council of the Town of Brockville endorsed the resolution of the City of Toronto regarding the passing of a Bill for Collective Bargaining.

"They request that the same be passed at this session of the House.

Yours truly,

(Sgd.) H. W. Carswell,  
Town Clerk."

EXHIBIT NO. 136: Letter from the Town of New Toronto to the Hon. Mr. Conant, dated March 11, 1943, with resolution attached:

"New Toronto, Ont.,  
March 11th, 1943.

Hon. Gordon D. Conant,  
Premier, Province of Ontario,  
Parliament Buildings,  
Toronto, Ontario.

Dear Sir:

On instructions of the Municipal Council I am enclosing herewith a copy of resolution number 44 passed by the Council on the 9th day of March, 1943.

This resolution is respectfully submitted for your consideration.

Yours very truly,

(Sgd.) F. R. Langstaff,  
Municipal Clerk."

Enclosure

"March 9th, 1943.

Moved by Deputy-reeve Strath,

Seconded by Councillor Greer,

That the Council of the Town of New Toronto hereby heartily supports the resolution of the City of Toronto requesting the Province of Ontario at this Session of the Legislature to enact a Collective Bargaining Bill:

And that a copy of this resolution be sent to the Ontario Minister of Labour and the Premier of the Province of Ontario.

Carried:

(Signed) W. G. Jackson,  
Mayor.

Resolution Number 44.

Certified a true copy,

(Sgd.) F. R. Langstaff,  
Municipal Clerk."

EXHIBIT No. 137: Letter dated March 11, 1943, from Association of Technical Employees Affiliated with the Trades & Labour Congress of Canada to the Hon. Gordon Conant:

"March 11, 1943.

Hon. Gordon Conant,  
Prime Minister of Ontario,  
Queen's Park,  
Toronto.

Dear Sir:

A membership meeting of the Research Enterprises Branch of the Association of Technical Employees (Trades and Labour Congress) last night unanimously passed a resolution asking for the enactment by your government of a collective bargaining Bill embodying the following points:

1. That collective bargaining be made compulsory.
2. That company unions be outlawed.
3. That penalties be provided against employers who exercise discrimination against employees because of union activity.
4. That legislation enacted include technicians as employees. At present we fall in this category because we are in a Crown company; but our fellow-technicians in private industry have no standing whatever under existing legislation, because of a Department of Justice ruling that they employ 'scientific skill of imagination' instead of manual or clerical skill.

Respectfully your,

(Sgd.) Dr. W. G. Hines,  
Dr. W. G. Hines, Secretary."

EXHIBIT No. 138: Letter from the Town of Kenora to the Hon. Mr. Conant, dated 9th March, 1943:

"9th March, 1943.

Hon. Gordon D. Conant,  
Premier of Ontario,  
Parliament Buildings,  
Toronto, Ontario.

Dear Sir:

At a regular meeting of the Council of the Municipal Corporation of the Town of Kenora held last evening I was directed to forward you a copy of a resolution passed at that meeting dealing with the matter of Collective Bargaining and which reads as follows:



(3) 'THAT this Council endorse the resolution passed by the Corporation of the City of Toronto at its meeting held on February 22nd, 1943, petitioning the Government of the Province of Ontario to enact, at the present session of the House, a Modern Collective Bargaining Bill.'

While we understand that a Collective Bargaining Bill is at present being considered by a Select Committee of the House, it was felt that the resolution of the Council of the City of Toronto should be endorsed.

Yours very truly,

(Sgd.) F. J. Hooper,  
Clerk."

EXHIBIT No. 139: Petition (23 pages) from Ford Local 200 U.A.W.-C.I.O. Windsor, Ontario, with the following heading:

"PETITION

We, the undersigned, petition the Ontario Legislature, to work with all the energy at its command, for the speedy enactment of a Bill guaranteeing the right of Labour in Ontario to collective bargaining, through the unions of its choice and outlawing company unions and banning discrimination by employers against employees for union activity."

MR. FURLONG: The first one to be heard this morning is Mr. Norman W. Byrne of Hamilton.

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NORMAN W. BYRNE, SWORN. Examined by MR. FURLONG:

Q. Mr. Byrne, you live in Hamilton?

A. In Hamilton.

Q. What is your business?

A. Lawyer, Byrne & Dixon.

Q. Do you represent any organization?

A. No, I do not.

Q. You represent yourself?

A. Yes.

Q. Will you proceed with your brief please?

A. Mr. Chairman, I wish to thank you sincerely, and members of the Committee, for the opportunity to appear here. Although at the moment I

have some misgivings, in that it seems singular that I represent nobody, I was impelled to make some comments through the fact that I am a lawyer and have had a good few years of sociological experience, and sociological work, which has given me opinions, and at the same time I have a connection with a number of small companies. Small companies, as distinguished from large companies, seem to have a better measure of getting along with their employees. That is probably explainable because everybody knows each other.

There are some phases of the Wagner Act that I read, and when I read them, they did not appeal to me as a lawyer because, strange as it may seem, here was an Act directed to collective bargaining that neither defined "collective bargaining" nor "employee". It was a kind of Act which started off, to me, under, as it were, an effort. That is probably on account of the jurisdiction of the Federal Government of the United States. And it went to some pains to bring it within the jurisdiction of the Federal Government, and then proceeded in generalities. Those generalities are susceptible of different misunderstandings and understandings and interpretations, and out of it I have seen, from my observation, what I consider unnecessary aggravation.

There is no question about it that collective bargaining is a phase of national life, and as such should be recognized, but any phase of national life, if permitted to run unregulated and uncontrolled, may do harm to the rest of the public.

My experience in sociology goes back to the time of the last war when I was a young fellow in hospital in England and read that polyglot kind of literature that is wished by somebody from his library on the fellows in hospital. I read all the gamut from *Invictus* to Marxism, and among them I read a treatise that started out and ended up on, "A more commodious Life for Man," and that idea stuck with me, and that idea is still with me. You hear all the time, particularly at times like these representations that are perhaps in a wide field on "A more commodious life for man," but the means for attaining them creates strife, and it was in looking at "A more commodious Life for Man," and trying to put my finger on the things that in small companies made peace, and at the same time in big companies made trouble, that I conceived the fact that small companies got along with their employees better because everybody knew each others and had confidence in each other.

THE CHAIRMAN: Personal contact.

A. Personal contact. What measures can we take to give the company confidence in its employees? It seems to me, with my lawyer's experience, if you like, if we tell everybody frankly what we have up our sleeve, and play the cards on the table, that that is a much more satisfactory game. I am sold, and I believe that 90 per cent of the manufacturers in Ontario are sold, on the idea of collective bargaining. Why are they afraid? They are simply afraid of abuses. I recognize the fact, and labour has to recognize the fact, that in the ranks of manufacturers and in the ranks of labour there are some people who do not play ball.

THE CHAIRMAN: You mean they are made up of human beings?

A. I mean they are made up of human beings. And anything that we can

do to eliminate those people from the ranks of manufacturers or labour I think is ground well taken.

It was that that I directed my attention to in writing my brief. It is not the mass of employees; it is not the mass of labour organizers. I count some of my best friends among labour organizers. It is this fellow that the labour organizers sometimes are ashamed of, and there is no field in life, as you say, but what is a cross-section. If we can do something that gives the employees a consciousness of responsibility, and an attitude of not just asking for something, I think we will achieve something.

I do want to impress upon you the fact that an Act must be drawn to be conclusive.

The written part of my brief, if you will let me proceed with it:

"The legislator confronted with the problem of human relations in the drawing of laws of employee and employer has no easy task. He knows beforehand that his efforts will be the subject of criticism from everyone concerned, for few can look at the subject dispassionately. He knows that no one can legislate that goodwill, patience, and understanding that is essential to industrial peace, and he only hopes that by laying down clearly defined procedure to simplify and expedite negotiation and by provision against exploitation of tactical position on either side he will be rewarded by a decrease in irreconcilable differences breaking into open strife.

The legislator is prone to look to the experience of others for precedents as to form, but this expedient though valuable as a guide is not always reliable for outright acceptance, for the law should be the written expression of those rules of living that have been established and accepted by those people that are governed by it. Different conditions and convictions of different people call for different laws dealing with the same subject matter in different places.

Some people of the world are governed by laws that express the dogmas of their masters; some people are governed by their established and accepted customs without written laws; and some peoples, even of advanced democratic principles, find themselves from time to time burdened with laws passed to placate some aggressive element that by vociferous pressure have made an impression on law makers susceptible to the demands of political expediency."

I am glad to say that the legislators of Canada have never shown themselves susceptible to political expediency, but in the United States to-day the public at large are taking recognition of pressure tactics. I have plenty of material here from the Saturday Evening Post and otherwise. For instance, in a recent editorial in the Saturday Evening Post it comments on the New Deal:

"The 'soft under belly' of the New Deal, if we may lift a phrase from Mr. Churchill, is its state of uncertainty as to principles. Most of its blunders result from disregard of principles. The place to hit the New Dealers is in their propensity for 'justice by ear,' as it has been called by Charles



P. Ives, of The Baltimore Sun. Antitrust laws apply to doctors, but not to union leaders; racketeering is forbidden, but when labour leaders become racketeers they are not racketeers. Even when considering a simple job of income-tax reform like the Ruml plan, the New Deal was unable to resist an attempt to make it apply to the little taxpayers but not to the big taxpayers. 'Equal protection of the laws' is lost on the New Dealers, because it is the fashion to fit the laws to suit groups which have the most power."

(From the brief) "Our good friends to the south of the border had an experience of this kind in prohibition laws that failed to receive sufficient public support to remain on the statute books,—"

THE CHAIRMAN: Did we not have some of that too?

A. Yes, we did.

"—and a similar tide of resentment is swinging against their Federal Labour Law because of the unbridled opportunism displayed by some labour leaders in misusing the privileges extended to Labour by that Act."

And I am told there are some fifteen states that are now passing state laws for the regulation.

"In speaking to you of the proposed Labour Bill, I am not going to do very much talking about the employees, their claims, their rights and their problems. I will address my comment principally to those people and those factors influencing the progress of employees toward equality in negotiation and contract. We all concede the place and function of labour even if we do not agree with some of those who assume to speak for labour."

As I said before, to me the important thing is not to listen to what are half truths, but to listen to whole truths and look at straight facts which are facts that influence, and not ignore them. So I say:

"Let us in Ontario be realistic in our approach. Let us not shut our eyes to realities and in blindness accept any proposition because it is said to embrace the genuine attitude of labour. Let us frame our Act according to British principles, be alive to the real issues and seek the real solutions rather than be coerced or influenced by political expediency as suggested in the reported introduction to the C.C.F. version of a Bill, namely,—'Since the rapid growth in strength of the C.C.F. and the direct affiliation of many trade unions in Ontario with the C.C.F., the Ontario Government has promised a trade union Act for the next Session of the Ontario Legislature.' Let the enquiry begin with the ascertainment of the fundamental things that bear on the matters under consideration. These appear to be

1. The people affected directly and indirectly.
2. The nature of the measure.
3. The purpose of the measure.

4. The best means of accomplishing the purpose of the measure.

If we ascertain these things and steadfastly refuse to be led aside we shall avoid many of the pitfalls that others have fallen into in such endeavours.

"The people affected are in economic and functional groups. Each is significant and their aims and ambitions are so interrelated that any legislation resulting in any one group acquiring a larger share of the national income, affects the others immediately, for pay, price and gain can only be realistically measured in the share of national income that a group gets for itself and to increase the share of one economic group inevitably decreases the share of the others and creates hardship in that quarter. While no one can deny the basic right to collective bargaining as a measure to preserve a balance among the economic groups of the country, it must be remembered that undue gains of one group result in immediate reaction in others and the result of a circle of gain is a spiral of inflation.

"The economic groups are composed of:

1. Capital. The group creating the facilities of production.
2. Management. The operators of the facilities of production.
3. Labour. Those employed in the production from facilities.
4. The Consumer. Those who create the market for the products of facilities of production.
5. The Farmer. Those who produce the food and part of the raw materials required to maintain the facilities of production in operation.
6. The General Public. Those indirectly affected by prices and availability of production.
7. The Government. Those who create and regulate the activities of the various groups.

"It is in the interest and welfare of each of the above groups that industrial peace and stabilization become a fact. Left to their own devices each of the above groups strive to secure as large a share of the national income as possible without too much regard for the general welfare of the others. It is therefore, desirable that rules and regulations be enacted for the purpose of ensuring industrial peace,—but not peace at any price. It must be industrial peace that is equitable to all concerned and not a measure that will load the dice to the special benefit of any one group.

"There are elements outside of the economic groups who contribute nothing to the general economy, but are inspired by the expedencies of their selfish ends to upset the balance of the economic groups and who continually strive to prevent harmonious relations between groups and inside of the groups.

Examples of such elements are:

1. Unscrupulous politicians—who foment class hatred to facilitate vote snatching.
2. Agitators among labour leaders—who to implement a livelihood gained from union fees and with the prime purpose of exploiting the possibilities of fee collection, agitate distrust and dissension between capital and labour.
3. Fanatics—who seek to advance their particular theory of achieving Utopia by resorting to incitement of class hatred.

Beside the economic groups are the functional groups, in these:

1. The people directly affected are employees and employers.
2. The people intimately involved are political groups of labour designation and professional labour organizers.
3. The people indirectly affected are the public at large.

I submit it is inevitable in any labour legislation that these three groups are affected, and I submit that the Wagner Act ignored the second group. They are significant but they are not dealt with directly in the Act, and I submit that is a very grave weakness of that Act.

“If the Act is to be of real use to employees its provisions should be clear, precise, unambiguous, and simple in statement.”

THE CHAIRMAN: Isn't that impossible to obtain?

A. No, that is quite possible of attainment.

“There is no necessity for vague generalities of statement or obscure provisions that encourage argument in interpretation. A labour statute of all statutes should be simple and precise.

“The statute should mean what it says and be incapable of distortion in administration or operation.”

I submit the Wagner Act is not incapable of distortion.

“Vague phraseology, loose and general wording, and provisions containing covert permissions render the enactment vulnerable to exploitation by people who were never intended to be benefited at all.

“For instance, labour organizers are not openly mentioned or dealt with as such by The Wagner Act and yet labour organizers acquired more benefits of position and of monetary value than employees on a per capita basis through the provisions of the Act.”



In the report of these proceedings Mr. Brewin was said to have commented that the labour legislation ought to be like the National Labour Relations Act of the United States, as the only legislation which has enabled the peaceful development of trade unionism in a short space of time and on a very large scale. If the purpose of the Wagner Act was to enable the development and organization of trade unionism in a very short time on a wide scale, then it should have said so. If our Act is designed for that purpose we should tell the public, not that we are passing a collective bargaining Act, but we are passing an Act to facilitate the organization of labour unions, and be frank with them. These representations made in the papers, and that sort of thing, a good deal of them are not for collective bargaining; they are for labour organization. Labour unions are entitled to organization and to perform a useful function, but let us be frank about it. If it is going to be a labour organizer's Bill, let us call it that, because then there will be legislation that will keep labour organization on the scale that the public is not going to be provoked with labour, as there is a reaction spreading over this country now. It is my opinion that the cause of labour has been retarded by some foolish acts of labour organizers, and all the other useful things labour is doing for this country are ignored. If it is a labour organizers' Act, let us call it that, and we will deal with labour organization on sound, practical, precise grounds, and the public at large will be satisfied, and labour will be satisfied. Because labour at large feels that some fellows are not carrying on in a way that labour at large stands for. Do not forget that unionism is a very small part of labour. The whole of unionism is a very small part of labour.

"The provisions should be directed to the many not the few. The vast majority of employees and employers can and do settle their differences amicably and with tolerance, and the provisions should recognize this situation, and while making provision for procedure applicable to unsetttable disputes should not force the majority to fall into the procedure laid down for the irreconcilables.

Because labour leaders and organizers are not employees, but are of necessity involved in the operation of such an Act, there should be specific provisions clearly determining their status, their privileges and their obligations. It is not fair to them or any other parties involved that their participation and functioning should be slipped in by the back door of implication and determined by their individual convictions or aspirations while all others are specifically controlled and directed.

The next consideration is to define the nature of the statute.

The advocates of the measure call it a collective bargaining Bill. Collective bargaining is not defined by The Wagner Act, but it is a phase of trade unionism. Trade unionism is a phase of organized labour."

THE CHAIRMAN: Why would you say collective bargaining is a phase of trade unionism?

A. Because a union is a collection of employees. You see, we have not a definition for collective bargaining in the Wagner Act. It is hard to put your finger on it and say, "What is collective bargaining?" I have an Act I hope you will read later on that does define "collective bargaining." I think that is

absolutely essential for everybody concerned, to know what "collective bargaining" is, because, generally speaking, collective bargaining means no more than concerted action, and trade unionism is concerted action. Take before the days, Mr. Chairman, of collective bargaining in the new idea of it, trade unionism was collective bargaining—it is a phase of it. It has had a new accentuation lately, but trade unions always bargained collectively.

Q. I thought they were collectively at the start as convicts and shipped to Australia. That was the only collective bargaining they got, was it not?

A. No.

Q. Wasn't that the start?

A. That was the start. Do not forget all progress is born in strife.

Q. Surely, we know that.

A. Our ancestors bled and died for progress. If we can achieve it without that, so much the better.

Q. I agree with you on that, Mr. Byrne.

A. The British people have suffered for three generations to attain that, and I believe we can attain recognition of trade unionism, collective bargaining and a better aspect of the whole thing without strife, if we do it properly, if we handle it properly, and I do believe that if we put through a loose Bill like the Wagner Act that we are going to have plenty of strife because there are a lot of determined people in this country.

Q. I do not think anybody disputes the Wagner Act has caused plenty of strife.

A. There are determined people on both sides of the fence, and when these people get tangled there is fire every time. We are proud of that aspect.

"Organized labour is a phase of employer-employee relations and is simply joint action on the part of employees when negotiating with an employer, and for our purposes it relates to the action of a majority of the employees of the employer.

The law then is to deal with joint action of majority units of employees when negotiating with an employer."

It may seem futile for me to define that. I want to define it because I want to look at this Act and model it to make it work for what we are working on. If it is going to be a collective bargaining Bill, make it a collective bargaining Bill; if it is going to be an organization Bill, make it an organization Bill.

"A feature always associated with the terms collective bargaining in the Wagner type of Act is specific provision that employees have the right of designation of representatives of their own choosing for the purpose of

negotiating the terms and conditions of their employment or other mutual aid or protection.

The patent logic of such a convention is so simple that it may be accepted without question. The provision would seem almost redundant for a natural requisite of self organization is self expression through self appointed representation, but the insistence of specific provision in that respect must have some significance.

The Hon. Peter Heenan is reported to have said here 'Some legislative pronouncements or enactment seems necessary in order to make it clear to certain employers that they must negotiate and bargain with whatever representatives their employees have selected to act for them.'

If that simply means that the employee appointed by his fellow employees to speak for them has the statutory right to bind them in his negotiations, it is a natural appurtenance of freedom of association bargaining.

If that means that someone not an employee has a statutory right to exclusive representation facilities that under compulsion must be attended to, then third parties beyond employers and employees are acquiring statutory rights which is neither so simple or so natural and should be carefully regulated by direct provision as to the method of appointment, the qualification and otherwise.

The next consideration is to define the purpose of the legislation.

It is most important for the lawmaker to define and keep in view the purpose of the legislation otherwise as heretofore pointed out covert purpose of persons not deemed to be included in the purview of the measure may be effected by interpretation of necessary implication."

As a matter of fact, I believe that was the deliberate purpose of the Wagner Act.

"The public are keen visaged enough to remember the expressed purpose of the Act and to look for the results to that end. If they find that the advocates of the Act had ulterior motives that become a reality of accomplishment through the operation of the measure they immediately question the sincerity of the lawmakers whose only fault may be lack of vigilance directed to the elimination of provisions that by interpretation or use may corrupt the working of the measure and justify some realist in a jibe directed to supplanting the lawmakers caption with a very different one; for instance,

'A Labour Bill'

might become

'An Act to better promote the ascendancy to power of an ambitious political party'

or perhaps

'An Act to facilitate and consolidate the activities of professional labour organizers'

or perhaps

'An Act to frustrate governmental interference in labour disputes',



all according to the bias given the enactment by its proponents in drafting the provisions for submission to the Legislature."

As a matter of fact, those things do happen. Here is an editorial from The Saturday Evening Post, "Another Wagner Act Might Help."

"What this country needs is another Wagner Act. This may sound strange to some of our customers, but it is one way of saying that the United States urgently needs machinery to deal with the new order of industrial disputes—namely, fracas between workers and their new bosses, the union leaders. The Wagner Act we now have guarantees collective bargaining as between employer and employee through 'representatives of their own choosing.' But this kind of collective bargaining has been reduced to a minimum, because the War Labour Board, through the maintenance-of-membership clause, controls the choosing of labour's representatives. The union leaders, entrenched in their new security, write the rules, collect the dues and fire the individual workers who fails to pay or otherwise gets off the reservation. If he were thus treated by his employer, the worker could invoke Wagner Act No. 1 to protect him. But because the new Simon Legree is called a labour leader, there is nothing the dissatisfied worker can do but indulge in a wildcat strike.

"For example, in January, thirty-four machinists employed in a San Francisco shipyard went on strike because they had been fined twenty-five dollars each for working on the Saturday and Sunday after Christmas against the union bosses' orders. The strike was not against the employers and had no relation to hours, wages or working conditions. It was a protest against an arbitrary internal regulation by the union leadership. The strike lasted a week, but it was not a 'labour dispute' within the meaning of the Wagner Act."

It goes on and cites several of these cases that had happened that way.

"Before this happens too often and we find ourselves the innocent but outraged bystanders at a crucial and gigantic struggle between a union management and the working stiffs, we ought to have a new Wagner Act. The one we've got was tailored to the days when employers were allowed to argue a little before being taken over by executive order. What we need now is a Wagner Act to settle the kind of disputes of which we are going to have plenty: the intra-union row in which the grievances are private, but the damage is public."

I imagine it cannot be said here because it is a secret, but I think you know a plant, a very significant plant in this country, right in this vicinity that now is torn between the factions of a C.I.O. union and an A.F. of L. union and a company union, and the people in the plant cannot see any difference in any one of the three. For someone to come out and class the C.I.O. as a bunch of agitators is not fair. The C.I.O. in the United States and Canada has done a might good job. There is an element in any labour union that is liable to get in there. Those are the fellows the Province of Ontario has to put its finger on, and it cannot do it by a vague job like the Wagner Act. Some states of the Union have found out by experience they cannot be controlled by the Wagner

Act, so the states are stepping in and passing Acts to control them, and give labour a fair chance, and give credit to labour leaders that are doing a good job, and the employees that are doing a good job, because there are a few of them, good sincere fellows—I know union plants right in Canada here where there could not be a finer relationship, and one of them is a C.I.O. union—there could not be a finer relationship than exists right there. It is not unionism; it is not employers. It is the right kind of provisions to get the right kind of people doing the job, and the right attitude to the job.

(From the brief) "For instance, I have been convinced for some time that the majority of labour disputes were the result of activities of a handful of labour organizers who had identified themselves with the labour movement simply because there seemed opportunity there for exploitation and personal aggrandisement. I consider that they found their opportunity, and exercise their activities through lax provisions in the statutes and will only stay while they can exploit labour. I cannot get at them directly, so I will try to eliminate them indirectly by an Act that I call The Labour Registration Bill.

The ostensible purpose of the Act is to give labour unions legal standing under certain regulations and provisions. The Act is a real benefit to labour by its direct provisions. There is no express provision in the Act directed to the elimination of racketeers from the labour movement, but I try to accomplish that by so seriously curtailing their opportunities that they will lose interest. I know labour organizers that heartily endorse such provisions and I am quite confident that there are others that would bitterly oppose termination of their opportunities through such a measure. I believe labour would be better off without the attention of opportunists. This is to be a public statute so the prime purpose must be of benefit to the public at large. No enactment creating special privilege for some special element of the population to the detriment of others should be tolerated in British Law.

The public at large suffer from labour unrest with attendant strikes and interruptions of production, and on the other hand the public, labour and industry alike benefit from industrial peace. We should have little opposition to a decision that the purpose of the Act is to promote industrial peace."

And if we make that the test of the provisions I do not think we will go far wrong.

"The final consideration is how best to promote and ensure industrial peace by labour legislation.

If we first settle the wants of employer and employee respectively, we may find that they are not so far apart. A clear statement of the wants of each is set out in Chapter 18 of 'Industrial Management' by Anderson, Mandeville, Anderson (The Ronald Press of New York). I have added to this memorandum copies of the Chapter on Human Relations from that book and I suggest that perusal of it would provide real assistance in your consideration of the matter at hand.

The wants listed there are:

The employer wants—

1. Industrial peace.
2. Improvement in the quality and quantity of work done.
3. Reduction in cost, not by lower wages nor by skimping the work, but by improved methods.
4. Higher efficiency on the part of the employee.
5. Attentiveness and interest of the worker in his work and in his fellows.
6. Loyalty and confidence on the part of the employee.

The employee wants—

1. Security of job and income.
2. A fair wage for the work done.
3. Safe, orderly, and efficient workplaces and conditions.
4. Pride in the products, policies, and progress of the company for which he works.
5. Reasonable working hours.
6. An understanding of the company's business in so far as his interests are concerned.
7. An opportunity to express his thoughts concerning his job and his relations with the business.
8. Some financial security against the hazards of sickness, accident, disability, death and old age.

Opinions on the subject of how best to secure industrial peace will be varied and perhaps contradictory, but knowing the wants of the parties if we next list the things that aggravate small differences into critical disputes; if we try to recognize personal factors as facts to be dealt with; if we clear away the smoke screens raised by outsiders with ulterior motives and adhere to the rules of negotiation recognized in British Commerce, we will have accomplished something constructive and tangible.

#### 1. Employers:

Let us begin with the personal aspect of employers because that can be dealt with most expeditiously. We must recognize as a fact that employers are persons who from their personal initiative, ability and industry, perhaps seasoned with good fortune, have arrived at a position of compara-



tive importance. We must recognize as a fact that having emerged from the mass by whatever means, they would be less than human if they had not a certain amount of self esteem and it is only natural that they resent coercion from anybody. They are not accustomed to being pushed around.

Employers are business people, continually in the process of negotiation and they acquire a habit of procedure in their dealings. If someone comes along to do business with them and embarks on a basis of arbitrary demand or tricky presentation of facts, the employer as a business person will turn cold to the approaches, whether it be from a labour leader or a cement salesman.

I have read that Mr. Conroy of the Canadian Congress of Labour pointed out to this Committee 'We have not come here demanding the Committee do one thing and daring them to do another.' I do not know why Mr. Conroy was impelled to make the statement for he could hardly have taken any other attitude here if he expected to make progress. You are under no compulsion of Wagner Act or strike procedure and you expect and insist that parties conducting negotiations here abide by your concept of procedure and ethics. Employers have similar expectations and when a union representative comes to him demanding that the employer do one thing and daring him to do another, the employer is no more receptive to the demand than you would be, and he, like you, would probably take the dare—and another incident of industrial strife would be recorded.

The lawmaker should recognize these personal human factors as live issues to be dealt with and if the employer is to be bound to entertain the approaches of every type of union representative, the 'demand and dare' element of negotiation should be eliminated in the interests of peaceful agreement.

## 2. Employees.

If employers and their personal aspect is an outcome of their position and habit the same can be said of the employee. The employee craves for notice and recognition and if his cravings are not satisfied by his normal relationship in industry, he will be easily led by opportunists to enforce recognition as a trouble maker. A wise employer will assure a feeling of conscious pride and progress in his employees by teaching him pride in his task and establishing such acknowledgment of loyal service as will satisfy the employee that his labour is not a temporary thing of expediency, but a career of experience and accomplishment.

Employees have no great personal experience in negotiation or business practice and are therefore very open to suggestion in such matters. The employer will best serve his own and his employees purpose and benefit by ensuring that their business relations are established on sound lines of tolerance and tact, for, if the employer resorts in practice to arbitrary dealings, he is the instructor of his employee in like tactics.

A most important psychological point to remember is the relative susceptibility of the employer and employee to influence and guidance.

From the very fact of his habit of carrying out the orders and ideas of others, the employee has not equal resistance to suggestion to the employer, and can be more readily led. This basic fact leads to abuses of labour, not alone by the employers, but more significantly by others outside of employer and employee relations. Exploiters of labour from the outside by persistent advocacy of plausible propositions get labour to espouse the proposal as their own cherished idea and ambition, whereas the idea is in fact perhaps a fettering of labour or operates to exploit or impede labour.

Legislation to protect labour from exploitation by capital is governmental recognition of an inability of labour to fend for itself individually, and such recognition calls for equal protection of labour from exploitation from other sources. It is difficult to distinguish what claims of labour spring genuinely from the employee and what claims are advocated as labour claims, but in reality spring from the cunning devices of those who would exploit labour from the unsuspecting background by being able to pose as the friend and advocate of labour.

Let us review some of the institutions and prerogatives advocated for labour with a view to ascertaining whether in fact they are a benefit to labour:

1. Collective bargaining and designation of representatives of their own choosing.

The convenience and efficiency of the conduct of negotiations through a representative authorized to speak and contract on behalf of employees can hardly be argued in theory. The very fact that the matter put forward by the representative springs from the majority gives it prestige and justifies more attention than the claim of the individual. The natural inference attaching to a chosen representative is that he best and most ably can evaluate and present the views of the many. The efficiency of discussion with the few over protracted negotiations with many divergent views is obvious.

From the practical point of view the whole value of the theory collapses if there is only the semblance and not the reality of a conviction and desire of the majority or if the representative installs himself by questionable methods and maintains his position to enforce his personal ambitions rather than the genuine needs and convictions of the majority that he presumes to represent.

The bare provision of collective bargaining and designation of representatives of employees own choice is open to abuse and exploitation, and should be ensured as a genuine provision by supplementary restrictions against abuse.

2. The closed shop and check off.

There is no obvious advantage to the employee in the theory of the closed shop and check off. They are artifices of labour organizers to facilitate organization and ensure consolidation of organization activities. The

very nature of the convention indicates a curtailment of freedom of action for the employee and an enhancement to the organizer, for there is compulsion in its operation and the organizer is free to proceed on a basis that the very existence of the law persuades the employee to join the union in fear of discriminatory action when the coercive phase of organization is brought about. Once a majority has been signed up the closed shop is demanded and union membership becomes a condition of employment and all are forced to join. The circle is completed by the check off and an air-tight organizers' set-up is established from which none may escape.

Nowhere else in the society of free men is such privilege and avocational assistance provided to a single element of the population. In this country all men are supposed to be on an equal footing of personal advantage, but to be consistent with other persons dealing with employees such as a salesman of group insurance (which is a most desirable institution, providing security against inability to earn for the monthly fee required) we would have to legislate that if the salesman were able to sign up half of the employees in a plant, the other half would be obliged to take on the insurance whether they liked it or not and the employer would be obliged to deduct the monthly insurance fee and remit it to the salesman on pain of having the whole operation stopped if he refused to do so."

I have had insurance salesmen argue with me on group insurance, that it was more essential to the ultimate welfare and establishment of labour than collective bargaining, and, as a matter of fact, the Beveridge Report looks as if that was recognized, that security against sickness is a most important phase of a workingman's life, and if collective bargaining is also an important phase, and a closed shop is justified, then an insurance salesman is just as justified in asking for a closed shop as a labour organizer. They are both making a living out of that job.

"Insurance salesmen are just as much entitled to claim closed shop and check-off rights as professional labour organizers. The professional labour organizers justify the closed shop as a natural application of the democratic principle that the will of the majority shall prevail and there is no reason that others should not invoke the doctrine. The transparent fallacy of the application is, of course, that the true doctrine of democracy that the will of the majority shall prevail does not rob the individual of his personal freedom of inclination and decision.

### 3. That trade unions should be given legal status.

If any union is illegal under our law, it is because it is a combine in restraint of trade. Lord Justice Lindley said in 1889:

'The general proposition that every society which has rules in restraint of trade is unlawful, i.e., criminal, and that its members are punishable at common law was denied by the court in *Rex v. Stainer* and cannot be supported.'

Again:

'Where the general objects of a society are legal as in the case of a



provident society, the object of which is the relief of members when disabled by age or accident, or when out of employment, the fact that some of its rules are illegal as being in restraint of trade does not constitute the society an illegal society.'

But on the other hand, Justice Hannan said in 1869:

'If the printed rules are not the real rules of the association and if the society under the pretence of being a benevolent institution is really a scheme in whole or in part designed for the encouragement and support of illegal strikes, the society must be deemed to be established for an illegal purpose.

If we are to legalize employees combines, the employers can combine too, for I do not believe that Lord Justice Lindley's definition of a trade union has ever been upset—it was:

'Trade union means any combination for regulating the relations between workers and masters, or between workmen and workmen, or between masters and masters, or for imposing restrictive conditions on the conduct of any trade or business.'

If the government is to legalize combines for one crowd, they must do it for others, and other are already picking up the idea. A farm group leader said recently that if C.I.O. could organize and defy the government so could their particular group of farmers—and why not? Every group will be forced to organize for collective bargaining and the country will be filled with the strife of powerful factions, each bent ruthlessly on getting its share regardless of who pays the piper. That is the sort of thing that leads to civil war.

If the Legislature is going to embark on the dangerous precedent of legalizing combines, prudence would direct that such license be accompanied by appropriate control and regulations with complementary duties and responsibilities.

#### 4. That company unions should be made illegal.

'Company Union' has received many definitions. The Wagner Act does not specifically define it. The Colorado Act defines it as an organization of employees, the members of which are the employees of only one employer. The Hon. Peter Heenan defines it as one dominated or financed by the company, but generally it includes works councils, benefit societies, employees' associations and that sort of union, the object of which are not solely collective bargaining, but principally benefits to its employee members. Such unions were in existence in 1867 and were then and still are legal organizations because their objects were constructive and a benefit to society as a whole. There were also at that time organizations whose principal objects were as combines in restraint of trade, and it is not so strange that even at that time some organizers of these illegal associations cloaked their real objects with laudable camouflage, not was it strange that people saw through the camouflage then as they do now.

It was and still is quite logical that unions that indulged in illegal strikes should be deemed illegal organizations, but it seems illogical that it should now be proposed that unions going on strike in defiance of the law should be declared legal, while with the same breath long established employees' organizations of well known accomplishment in the field of employee betterment and security and of outstanding patriotic endeavour during the national crisis should be declared illegal.

There is an obvious reason for such a proposal, of course, and it is that some politicians and some labour organizers only can thrive on discontent, and the example of contented employees adjusting their differences with their employers in common sense and harmony, and at the same time getting something for their money besides strife is bad for the business of those who thrive on discontent and strife.

It would require some courage on the part of the lawmakers of Ontario to disband an organization like the Bell Telephone Works Council by declaring it illegal and with the same stroke of a pen declare the law-defying elements of S.W.O.C. legal organizations."

THE CHAIRMAN: What is S.W.O.C.?

A. Steel Workers' Organizing Committee. Those are the ones that called out the steel strike.

"5. The Hon. Peter Heenen is reported to have made a point that trade unions fear persecution by legal proceedings at the instance of powerful employers.

There lies behind this a presumption that unions are to receive some legal form of organization as well as legal standing. Justice Farwell found:

'A trade union is neither a corporation, nor an individual, nor a partnership between a number of individuals. . . . It is an association of men which almost invariably owes its legal validity to statute.'

Statutory legality does not necessarily give a union legal form or create it a legal entity. I hope the Labour Minister intended and that the Legislature will see to it that unions have legal form and are legal entities if they are legalized, for that would greatly assist unions in effecting contracts. No employer likes to sign a contract with a will-of-the-wisp without any form. If unions can and do take contractual responsibility it will help them to get contractual benefits.

If the fact is that the unions do not want to be in the position of assuming responsibility for their acts, it is not very promising assurance of their intentions.

No organization presuming to be an important factor in national life can expect recognition or esteem unless and until it assumes responsibility for its actions. The public at large does not attribute much significance to the aspirations of adolescence except in a benign or patronizing way.

The transition from adolescence to manhood comes with the assumption of contractual and financial responsibility, and with that assumption of responsibility comes a new consciousness of equality and purpose. Unionism has progressed past the stage of patronage, it demands contractual and statutory rights. To qualify for maturity, legal responsibility is a prerequisite.

There is no need for unions to fear legal persecution any more than any other law-abiding organization. If unions indulge in irresponsible action or run in conflict with the law, they have no justification of complaint if they are called to account for their action. Irresponsible youth can expect no standing or privilege and the same applies to unionism.

No person should be forced to deal or contract with an irresponsible, no man should evade the natural consequences of his acts or authorities. Privilege should not be debased to irresponsible license. Employees should be granted clearly defined rights, but they should be accountable for things done with their authority or knowledge. Labour has allowed opportunists to walk in its ranks, usurp its prerogatives, use its name and place for selfish ends, flout the law and decent convention, all in the name of collective bargaining and negotiation by compulsion. The result was a wave of industrial strife. The reason was that the representatives were not the calibre of men that could or would negotiate on merit. Strife was tonic for their organization tactics and turmoil was created as good business for the organizers. Petty matters were magnified to major issues. Demands replaced representations. Findings of tribunals were repudiated, anarchy was rampant.

If we preach 'self organization' here, let us see that it is really just that.

If we believe in 'representatives of their own choosing', let us see that no one tricks labour and really appoints himself.

If we want to assure 'equality of bargaining power', let us make it on a prestige basis, not on a trial by combat basis.

Let us make the labour field unattractive for opportunist activities.

Let us make labour conscious of equality of opportunity, responsibility, and contract.

Let us make employers conscious that collective bargaining has come to stay, but that in Ontario it will be free of the abuses that have crept in elsewhere and that labour relations will not be a field for promoters or special privilege of any kind.

Let us tramp down hard on agitated industrial strife.

Mr. Mosher is reported to have told this Committee that there were 331 strikes and lockouts in 1941 and a similar number in 1942. How many of these incidents were the genuine and spontaneous actions of employees and how many were fomented as part of an organization programme or to



enliven a union in which interest was waning and fees were becoming hard to collect? Does the similarity in number of incidents represent the natural incidence or the yearly quota of a deliberate programme? Why damn the employees when the agitators are to blame in many instances of arbitrary demand? Who promoted the idea that Nova Scotia miners would strike unless they got more than their quota of butter and commodities? Any realistic treatment of the requirements of labour legislation directed to industrial peace cannot ignore the disturbing factors of that minority group of labour organizers who intend to organize whether the employees want it or not and who recognize no curb to their activities that is not direct and punishable.

Directed to the establishment of collective bargaining on a realistic basis, I wish to submit for your consideration two specimen enactments, the first is a recent Bill drawn in Colorado dealing with collective bargaining and the second drafted by myself as a suggestion toward legalizing unions with form as well as legality and also provisions directed to the elimination of high pressure domination of unions by small groups. As mentioned before, I have also included Chapter 18 of Industrial Management which is a short but comprehensive study of the human relations involved in the problem you have undertaken."

Since I wrote that another Bill has come in from Colorado that runs very close to the purpose of the Bill that I drafted. I would like to point out, if I might, the difference in this Colorado Bill and the Wagner Act.

The Colorado Act starts off with a declaration of policy:

"The public policy of the State as to employment relations and collective bargaining, in the furtherance of which is Act is enacted, is declared to be as follows:

(1) It recognizes that there are three major interests involved, namely: That of the public, the employee, and the employer."

I submit there is a fourth, the labour organizer. He is a necessary incident and should be given recognition.

"These three interests are to a considerable extent interrelated. It is the policy of the State to protect and promote each of these interests with due regard to the situation and to the rights of the others.

(2) Industrial peace, regular and adequate income for the employee, and uninterrupted production of goods and services are promotive of all these interests. They are largely dependent upon the maintenance of fair, friendly and mutually satisfactory unemployment relations and the availability of suitable machinery for the peaceful adjustment of whatever legitimate controversies may arise. It is recognized that certain employers, including farmers and farmer co-operatives, in addition to their general employer problems, face special problems arising from perishable commodities and seasonal production which require adequate consideration. It is also recognized that whatever may be the rights of disputants with respect

to each other in any controversy regarding employment relations, they should not be permitted, in the conduct of their controversy, to intrude directly or indirectly into the primary rights of third parties to earn a livelihood, transact business and engage in the ordinary affairs of life by any lawful means and free from molestation, interference, intimidation, restraint or coercion.

(3) Negotiations of terms and conditions of work should result from voluntary agreement between employer and employee. For the purpose of such negotiation an employee has the right, if he desires, to associate with others in organizing and bargaining collectively through representatives of his own free choosing, without intimidation or coercion from any source.

(4) All rights of persons to join labour organizations or unions and their rights and privileges as members thereof, should be recognized, safeguarded and protected. No person shall be denied membership in a labour organization or union on account of race, colour, religion, or by any unfair or unjust discrimination. Arbitrary or excessive initiation fees and dues shall not be required, nor shall excessive, unwarranted, arbitrary or oppressive fines, penalties or forfeitures be imposed. The members are entitled to full and detailed reports from their officers, agents or representatives of all financial transactions and election of officers and the members have the right to elect officers, periodically, by secret ballot and to determine and vote upon the question of striking, not striking, and other questions of policy affecting the entire membership, by secret ballot.

(5) It is the policy of the state, in order to preserve and promote the interests of the public, the employee, and the employer alike, to establish standards of fair conduct in employment relations and to provide a convenient, expeditious and impartial tribunal by which these interests may have their respective rights and obligations adjudicated, without limiting the jurisdiction of the courts to protect property, and to prevent and punish the commission of unlawful acts. While limiting individual and group rights of aggression and defense, the state substitutes processes of justice for the more primitive methods of trial by combat.

(6) It is hereby declared to be the common law of the state that no act which if done by one person would constitute a crime under the common law or statutes of this state shall be any the less a crime if committed by two or more persons or corporations acting in concert, and no act which under the common law or statutes of this state is a wrongful act for which any person has a remedy against the wrongdoer if done by one person shall be any less a remedial wrong if done by two or more persons or corporations in concert, nor shall the injured person be denied relief in the courts of this state in law or equity as such relief may be expressly limited by statute."

I submit that is a sounder premise for labour legislation than is contained in the Wagner Act because it recognizes, which the Wagner Act does not recognize, the respective rights and responsibilities of the parties. I believe if you will peruse the Act you will find it is fair, square and comprehensive as to all the parties. I am not suggesting we adopt that in Ontario because there may be things in that Act that are not applicable to Ontario, but it is an aspect of collective

bargaining. On top of that I was told by a member of this Committee that the Act I drew on labour organization was drastic. All right, maybe it is drastic, but collective bargaining is drastic, legalization of combines is drastic. There are a lot of drastic aspects to the material we are going into.

I would ask you to read, if you ever get a chance to get finished with this thing and get down to a consideration of all that has been submitted, the House Bill that came in the day before yesterday of Colorado as to the filing of material and the setting up of unions in the states. I believe that that Act, if it was put in in Ontario, would do much to terminate the resistance of employers—and I have questioned a good few; I have questioned employers that are regarded as against everything. I asked one what he thought about it. He said, "That looks all right. All I want to get rid of is these guys that come and put a gun right at my head and say, 'Do this'."

THE CHAIRMAN: How many in your experience are there of the labour organizers that go on with that kind of conduct—dash into an employer and say, "Here, you have to go and do this"?

A. Not many, but they dominate the situation, they dominate the newspapers.

Q. I was interested when you were reading your brief. A great deal of it, while not bitter is quite antagonistic in its attitude toward labour organizers. How could a union exist without an organizer? A union has to have a head, does it not, like a corporation?

A. I have no fault to find with the great majority of labour organizers but there is an element in there that I resent. I resent them for labour.

Q. That is what labour, during the evidence we have had, resents on the part of a few employers—not all, but it is the few. They say most of them are all right.

MR. DRUMMOND WREN: Would his Bill provide for the counterpart of the organizer; that is, the corporation lawyer? The claims you have made against the organizer, labour usually makes the same claims.

THE CHAIRMAN: Mr. Wren says that labour was making the same claims against some of the corporation lawyers who often do cause more disturbance than any of the organizers.

MR. WREN: Does his Bill cover the corporation lawyers?

WITNESS: I do not see a difference between corporation lawyers, if they are organizing labour. If they are organizing labour they are labour organizers.

MR. WREN: If they are organizing the employers?

WITNESS: If some corporation lawyer comes in at the suggestion of an employer to organize employees he, in my mind, is a labour organizer.



MR. WREN: I am suggesting a corporation lawyer that organizes the employers, not employees.

WITNESS: As I said there, according to Lord Justice Lindley's definition, if employees can organize, so can employers.

A VOICE FROM THE AUDIENCE: They do.

WITNESS: They do, but it is illegal. We do not have it. We prosecute them. We have to make an exception. Do not forget what the law is; it is the rules we live by and accept. The public at large have accepted the rule that employees can collectively bargain. The fellow that does bad bargaining, I do not care whether it is a corporation lawyer or an organizer, he should be trampled on.

I hope, sir, I have done a little more than take up your time. To me the real significant thing, if we are looking for industrial peace, is to get the disturbing element out of it, and they are very few.

THE CHAIRMAN: That is the problem. I have not had a chance to read your Bill yet, Mr. Byrne. I suppose it incorporates most of the suggestions outlined in your brief?

A. I don't say it is a cure-all. I drafted it because I felt there should be something done about it. I believe the last year and a half, on account of the irresponsible action of a few labour leaders, has hurt labour as a whole in this country.

Q. You think it is like prohibition, it has put the cause of true temperance back?

A. I believe prohibition put true temperance back years. I believe labour is entitled to a place and entitled to recognition. The ordinary workingman is as fine a citizen as you can want to meet.

THE CHAIRMAN: There have been some very nice ones come up here. They have been very reasonable.

A. Very reasonable. I go into plants. I was in a little plant a while ago and the president of the company was just bubbling over with enthusiasm over a profit-sharing deal that the labour organizer had suggested to him, and they were working it out together, and they were real friends. I have a lot of friends labour organizers. There are some fellows that are labour organizers, and there are some ministers you don't like.

Q. The discipline committee of our profession has quite a bit of work to do, hasn't it?

A. That is right. The main thing I want to get over clearly is to keep our eyes open for the things that are inevitably connected with the thing. You cannot just say that is a labour act, if it is not a labour act that takes cognizance of these personal factors and all the people that are going to be mixed up in it.

Q. You can understand our job is not so easy.

A. I am glad I have not got it.

Q. Because representatives who have spoken for manufacturers' associations come and tell us that if we recommend a Collective Bargaining Bill and the Legislature sees fit to adopt it in some modified or amended form, there will be nothing but strife and turmoil and bitterness all over the Province; on the other hand, the representatives of organized labour come and tell us if we do not pass the Bill there is going to be the same strife, turmoil and dissension all over the Province. So we have not the simplest problem in the world in front of us.

A. I sincerely believe that you can draft a Bill that puts things up on top of the table instead of under the table, as, I submit, the Wagner Act kept the real issue under the table—that you can draft a Bill, put it on top of the table and 98 per cent of the employers of Ontario will O.K. it and abide by it, but you have to take that demand and dare out of it.

Q. That never gets anybody anywhere.

A. It never gets it anywhere. It is an obstruction to labour.

Q. I must say in fairness there has not been anybody here demanding or daring from either side so far.

A. It might be different if they had the Wagner Act in Ontario.

Q. There are lots of objections to the Wagner Act; that is, right in labour too, because there are thinking men in labour, I know, that are opposed to certain provisions in it.

A. That is right. Thank you very much.

(The witness withdrew.)

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MR. DRUMMOND WREN: May I introduce this delegation for which Mr. Roebuck is going to be the spokesman? I do not know whether we will have an opportunity to start before you retire. I thought in case some of the people on the delegation may not be able to come back this afternoon, because they are busy people, I would introduce them now. Mr. Chairman, I am going to introduce representatives of a cross-section of the community, as you will note, and I would ask the privilege of calling on each one so you will know who they are, and then at the end introduce our spokesman.

The first of the group is Rev. J. O. Denny of the Mimico Presbyterian Church;

The Rev. Mort. Freeman of the Fellowship of Christian Social Order;

Mrs. Elizabeth Brown of the Housewives' Consumer Association.

THE CHAIRMAN: That is an important representative.

MR. WREN: Miss Margaret Gould, editorial writer of The Toronto Daily Star;

Rabbi Samuel Sacks, who is, in addition to his religious duties, Chairman of the Advisory Committee of the cloak and suit industry;

Controller Robert Saunders;

Mrs. May Birchard of the Toronto Board of Education;

Miss Margaret Nicholson of the West Toronto Y.W.C.A.; and for our spokesman,

The Hon. Arthur Roebuck, M.P.

THE CHAIRMAN: I do not think you gave the Committee your name.

MR. WREN: Drummond Wren. My interest is, having been on so many boards of conciliation in matters relating to union recognition in the past two or three years, I am praying to God you will get a Bill through so I can get back to do some other work. You will notice that this committee is representative of a fairly good cross-section of the whole community, the church and other organizations, and Mr. Arthur Roebuck is the spokesman for this organization.

THE CHAIRMAN: I do not suppose you want to start before lunch.

Whereupon the Committee adjourned at one p.m. until two p.m.

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## AFTERNOON SESSION

MONDAY, MARCH 15, 1943

Upon resuming at 2.00 o'clock p.m.

THE CHAIRMAN: The Committee will please come to order.

MR. FURLONG: Mr. Roebuck has a presentation to make, Mr. Chairman.

HON. ARTHUR W. ROEBUCK, K.C., M.P., sworn.

Submission by the Hon. A. W. Roebuck, K.C., M.P., on behalf of Civic Community Group composed of representatives of public organizations, church organizations, etc.

Mr. Chairman and members of the Committee, Mr. Drummond Wren has stated that I would be the spokesman for the little group who came here in larger numbers than are present at the moment, but I would like it to be understood that I am not the only spokesman, nor would I assume to say everything that



is in their minds, nor all that should be said on this subject. I have come here because I have had some experience along the lines of collective bargaining which I think may be of interest to the Committee, and which I think perhaps might well be made a matter of record in this manner.

Prior to 1934 I was in private practice in the city of Toronto, and I represented a very large number of unions, particularly the needle trades in the general district which I later represented in the Legislature. At that time there was great unrest in that particular industry, and in others as well, in the city of Toronto. I went through general strikes in which thousands of men and women played a part, and in which we had disturbances on the public streets that can be described without exaggeration as street battles. I appeared in the police court morning after morning defending a new group, first on the union side and then on the employers' side, charged with violence against some other citizens, which was a highly undesirable condition of affairs.

After we took office, some of you may remember that I devised and piloted through the House the Industrial Standards Act, the principle of which is collective bargaining, and associated with that principle is compulsory collective bargaining. I found in my private experience in negotiations, and so on, over a number of years in the labour world that it was one thing to enter into an agreement between the employer and the employee, and quite another matter to carry it out or have it carried out. I saw a general agreement entered into between the needle trades, I think the cloak makers, and their employers, as to rates of pay, hours of labour, and other conditions as set forth in that agreement after great discussion; but unfortunately there were included in the agreement only the good employers. Employers, like employees, are divided into those two classes. The great bulk of them are considerate, kindly gentlemen, who desire the welfare of their employees and the public generally; they are not desirous of maintaining starvation wages or sweat-shop conditions; the great bulk of these men joined with the unions in collective bargaining agreements. Perhaps it had some advantage to the employee, but it had a great advantage to the employer, because it brought about settled conditions and got the men in the plant back to work. Unfortunately, however, the chiselling commenced at once, and somebody undersold the rest of his competitors because he was able to do so by chiselling on his employees. I saw an agreement of a most beneficial character go all to pieces and be abandoned by both the workers and the employers because of the wolves and the chisellers in the trade.

MR. MACKAY: Q. Prior to the Industrial Standards Act?

A. Yes, it was after that that the Industrial Standards Act was passed. I want to draw attention to a feature of that Act. The principle of it was that when a number of employers and employees joined together in a written agreement and both sides represented a sufficient majority, first of the employers and then of the employees, the agreement could be made applicable to the entire industry. And so you had a compulsory bargaining agreement enforced on those who did not come. That was the point of it, and that was why it was so beneficial. The fellow who did not come was represented, whether he liked it or not, by those who did; and if he did not take part in modifying the agreement to suit himself he had to accept it anyway, and the agreement therefore represented the whole trade. It was compulsory on those who did not attend.

Now, see what the results have been. Gentlemen, there has not been a general strike in the needle trades from that time to this, not a general strike that is worthy of the name of "strike". There have been literally hundreds of agreements extended to the industry generally, and there has never been a strike in a single case where the parties had entered into an agreement under The Industrial Standards Act, and I know by personal knowledge and not hearsay at all that in the needle trades that Act has saved thousands and thousands of dollars to the employers of the City of Toronto alone, and also many thousands of dollars to employers outside of the city; and it has saved the working people of the City of Toronto much heartache, much dissatisfaction, many hates and animosities that would otherwise be existent. There you have the principle of collective bargaining made compulsory on those who did not come, working a tremendous advantage in our community.

This morning we heard a brief which stated that all progress is obtained by strike. Well, the ladies and gentlemen whom I represent do not agree with that dictum. I recall a statement of the late John Burns in the English House of Commons many years ago. He said: "Gentlemen, I am a man of peace, but there are times when a sock in the jaw is a good argument!" Well, there are times when a sock in the jaw seems necessary, but it is the kind of argument that we should avoid by every possible means. Nothing is gained by warfare, and real progress does not come by hate and turmoil; it comes by quiet thought, and it is carried out by co-operation, which is no doubt what you are struggling towards, gentlemen.

I know when I was advocating and preparing The Industrial Standards Act for submission to the House, we heard many delegations,—not as many as you have, Mr. Chairman,—twice a week for a month or more in the library of the Attorney-General's office. I sat at the head of the table and heard representations made at great length, and I was impressed by the representations of one group who called themselves the Manufacturers' Association, but I think they were only a small wing of that association. They were opposed to everything. Apparently their only desire was to hold the status quo, not realizing that the status quo must be modified from time to time because the world is changing, and we must keep up.

So you have here the same type of representations that I heard at that time, by people who would try to frighten you out of any change, good or not, by saying "Boo" at you. I am afraid they are going to have to stand aside, and I know now that there were men in those groups who were opposing violently the introduction of The Industrial Standards Act who since that time have made thousands of dollars out of the Act, and who to-day would approve of it and object to its abolition.

Now, let me point out how far that Act has gone. There are some 15 general trades who are subject to scheduled agreements with regard to wages and hours of labour: The baking trade in Ottawa; the barbering trade in several cities; the bricklaying and stone-masonry trade in Ottawa, Galt, Kitchener and Waterloo; the building industry in Kitchener and Waterloo; the carpentering industry in ten cities; the coal delivery in Toronto only; the common labourers in construction work in Windsor and Ottawa; the electrical repair and construction industry in Windsor, Ottawa, Kirkland Lake and Kingston; the hard

furniture industry throughout the entire province—I know you have had representations from these people who speak highly of the results of collective bargaining under The Industrial Standards Act—the soft furniture industry in Toronto and district; the ladies' cloak and suit industry for the province; the logging industry of Thunder Bay; the men's and boys' clothing industry of the province,—and that applies to the making of uniforms for the armed forces, and there has been nothing but harmony in that industry during the entire war; the painting and decorating industry at Ottawa, Kingston, Hamilton, Kitchener and Waterloo; the plastering industry in Ottawa, Toronto, Galt, Kitchener and Waterloo; the plumbing and heating industry in Windsor, Township of Teck, Ottawa and Hamilton.

The agreements recently expired are: the first industry I mentioned, the baking trade in Ottawa; the taxicab industry in Toronto, which was in a terrible condition prior to their entering into a collective bargaining agreement; the gasoline service industry in Toronto and district. Probably the agreements will be renewed.

Gentlemen, there are at the present moment as many as 89 schedules in effect in this province under The Industrial Standards Act. There has been a maximum of 97. There is a total number of people directly affected by the Act of 27,500, men and women workers. I mention that because I think it applies in many ways to what you have before you. It was a genuine and serious attempt to bring about harmony in industry by a bargaining measure which had two elements of compulsion, one being that the agreement itself could be enforced, and secondly, that it could be made to apply to people who would not come.

So your proposition here is only a slight extension of what has already been done, and successfully done, and this Act that is now on the books has been there for seven or eight years; it is standard legislation which has been adopted by other provinces; it is sound legislation, and it is lasting legislation. All that is being asked of you now is a slight extension of the general principle that you find already in the statute books: that is to say, that the employer shall not be allowed to shut the door in the face of the employee. It is about the mildest thing that I could imagine. You are not being asked for a Bill which will require the employer to enter into any agreement, much less to carry it out after it has been entered into.

Gentlemen, at the present time there are over 1,000,000 men and women engaged directly in our war factories; one in five of that population are women, and I want to pay tribute to the great mass of them. I think I can say they are working long hours, many of them with great enthusiasm, and most of them without thought for themselves, ready to endure overtime or to do extra work or arduous work because they are interested in Canada's war effort. There are some, of course, who do not qualify for that praise, but they are few in number. And the amount of time that has been lost by strikes since the outbreak of war when compared with the grand total of hours worked is a mere drop in the bucket, a trifle. I pay tribute to those men and women who have realized their responsibility to the nation as a whole and who, in the great mass, have foregone for the duration the great weapon of the strike. I know there have been a few regrettable strikes in Canada; they are the ones that have been publicized; they



are what you see mentioned in the newspapers when something breaks out; but they represent a trifling proportion of the great mass of workers contributing to Canada's war effort.

MR. MACKAY: For whom is Mr. Roebuck speaking, Mr. Chairman?

THE CHAIRMAN: Q. Mr. MacKay would like to know whom you represent, Mr. Roebuck?

A. I told somebody here, I think it was the reporter, that I represent the greatest union in the world, namely, the G.P. of C., or the general public of Canada.

THE CHAIRMAN: Q. Our population is not yet as large as that of China?

A. No; but it is growing, and while it may not be as large as the Chinese in bulk, it is most effective because we are producing more goods than the Chinese could turn out, if they all wanted to work. This industrial population of ours is effective, intelligent, patriotic and self-sacrificing, and prepared to go a long, long way in joining with those who are associated with it as employers, with the government, with the nation as a whole, in the making of the tools with which to win this war.

The proposition I want to put up to you, is this: I think you all agree with me in this tribute I am paying, not to everybody but to labour generally; and I ask you if the workers of this nation have realized that responsibility to keep working working during the war, to forego the weapon of the strike, is it reasonable that when they go to the manufacturers' offices the doors should be slammed in their faces, or that employers who should really be more patriotic than the workers should sit behind green baize doors until grievances flare up into warfare and strikes result? I am a great believer, Mr. Chairman, in getting your feet under the table.

THE CHAIRMAN: Some like to put them on top of the table.

MR. ROEBUCK: I am speaking of your intellectual feet, because you can travel farther on those than you can on your physical feet. I am a great believer in getting men around the same table with their animosities, fears, hates and misunderstandings, and bringing it all out in the open and talking it over. There is no problem between employer and employee that is not capable of solution by just men and men of good will, none. You come from an industrial district, Mr. Chairman, and so do I. I can remember speeches by Mr. Murray in the House which always commenced: "I am a working man myself"! Every man on this Committee is a man of that type, and so you must join with me, I think, in this experience. I have seen men gather around the table who hated one another and who for some hours, when the conference opened, denounced each other and got it off their chests. Then perhaps at the end of the second day when everybody was weary of it all we finally put the signatures on an agreement, and went on with goodwill and good understanding for a whole year following. I am a great believer in the efficacy of discussion and negotiation, of reasoning together one with the other; and if you pass this Bill I am satisfied that it will not bring about chaos any more than The Industrial Standards Bill did, although

it was much more drastic than what you are being asked for now. It will go on the books if it is well drawn. I know we under this handicap, that we have not seen the Bill that is being proposed, and one risks something in advocating a measure which one has not read. It might contain sections or ideas with which one would entirely disagree; but one must take his chance on that, and I am speaking to the broad principles only. I say if you will make it illegal for any employer to refuse to negotiate with the chosen representatives of his people you will have done a great deal towards preserving the industrial harmony which now actually exists. I noted a phrase by a former speaker: "Industrial peace becomes an accomplished fact." You can make that so.

I heard the Minister of Labour, the Honourable Humphrey Mitchell, in the House last week or the week before last make the statement that there was not one single strike in Canada on that day. He said: "We have not one single strike to-day in Canada."

MR. HABEL: He must have forgotten the Wallaceburg strike|

MR. ROEBUCK: It is pretty well settled. I do not know whether he was 100 per cent corret, but he of all men ought to know; I think it is substantially correct. If you are going to preserve that peace in industry I think you must see to it that these people have access to the manager's offices where they can discuss and bargain and enter into agreements.

THE CHAIRMAN: Q. I thought you were rather talking your case out of court when you said we have no strikes at present, because it might be suggested that it might be dangerous to enact legislation that might stir up strikes?

A. That would be an extraordinary deduction to make from my words, would it not? You have just to allow grievances to boil up. It is not because there are not grievances, not by any means; it is not because there are not differences of opinion between the employees and employers that we have no strikes. It is, in the first instance, because the great body of employers believe in collective bargaining as much as I do, but with more responsibility than I have, because they put it into effect in their own works. It is different to-day from what it was five or ten years ago. To-day large industries such as Chrysler, Ford, General Electric, and so on, have all come to the idea that collective bargaining is worth while, and they are doing it. They fought it tooth and nail for many, many years, but to-day the large industries both in the United States and Canada are supporters of collective bargaining, and we do not need to force this sort of thing on them; they are already with us. The man who will be affected by this Bill is the man who ought to be affected by it, who is refusing to negotiate with his own men.

Q. In connection with collective bargaining, have you anything to offer in the case of employers employing less than five employees?

A. I do not see why you should not include that number.

Q. In those industries the employers know everything that is going on?

A. Then the Bill does not apply, because they are already negotiating.

Q. According to the evidence, 8,000 out of 10,000 employers have 50 employees or less?

A. Yes. Bring it down to small numbers. After all, five men can make a lot of trouble. There is no reason why five men in some little factory should not be treated like gentlemen by their employers, and five men shut out are five malcontents who may stir up the whole industry before they are through.

Now, there are two subsidiary thoughts: In order to make this Bill a success and bring about the benefits of real bargaining and understanding between the employer and the employees you must provide some machinery for selecting the representatives; you must not leave it to the chance that now prevails; and there, gentlemen, I think you can show some great statesmanship in your drafting. I know that you agree with me as to the advisability of collective bargaining; nobody can talk against it; and if it is made compulsory on the few who are now standing out, it will not matter. Your real job is to see to it that the employee is given the opportunity of selecting his representatives and getting the ones he actually wants, not the representatives that are forced upon him.

Q. Would you suggest that there should be compulsory annual elections of the employees' representatives?

A. I would not go that far.

Q. Or every two years?

A. No; I do not think it is necessary to have any compulsion about it.

Q. You agree with some submissions to the effect that there have been tremendous injustices worked on the union men by self-perpetuating officers who got in and got control of things and used the funds in their own interests, and giving the men who have been paying their dues a raw deal?

A. I recognize that there are representatives on both sides who ought to be in jail.

MR. NEWLANDS: Q. You do not think they should have elections every year?

A. No; I do not think I would enforce anything of the kind.

Q. You are not consistent, are you?

A. I would leave it to those who object to bring about an election, perhaps every year or whenever they made the motion to bring it about.

MR. NEWLANDS: I received a letter from a man saying he thought they should have a meeting every year?

A. Give him some machinery to bring about that meeting in the company, and if the union does not call an annual meeting there will be machinery in the law by which anybody can call it if he does not like the representative who is



doing his business. There should be some machinery in the hands of the minority, of the objectors, to bring about a new selection, and you should provide some method whereby intelligent people can conduct the election. That is a service which I think the labour department of the province could render to the industry of the province.

There is only one point left that hangs in this general situation, and that is that you must see to it that the employer does not dominate the situation, but that the employees are free to select their own representatives and not have the employer come in ahead of them or cut them off, because then you do not have collective bargaining and you do not have the union of the employees' choice. That is all I have to say. Mr. Chairman. I have not occupied very much of your time in expressing my views, and I think I have not mis-stated the views of any of those who will follow me. I know, gentlemen, that you have sat for many hours on this work, and you have heard all sorts of ideas expressed. That is good. It has not done any harm. But if you do bring about a statesman-like measure that is workable and practicable and tends to greater bargaining and more harmony in industry you will have done more for the war effort, perhaps, than if you established a munition factory.

MR. HAGEY: Q. Out of your experience, sir, what would you say in regard to civil servants and municipal employees being included in a scheme of collective bargaining? Some of the details of this Bill embarrass the Committee more than the general principle you have discussed?

A. Well, you see, there are different classifications, and I believe in taking a step at a time. I have seen attempts made at beneficent legislation frustrated by trying to go too far, and I would say to this Committee that I would leave that over for next year.

Q. The inclusion of the civil servants?

A. Yes, because you are into such a tangle of legal, constitutional, and other difficulties. I would wait until the civil servants come and ask to be included in the Bill before I would put them in. That would be my hunch on it.

MR. A. A. MACLEOD: Q. Would you exclude them?

A. No; I would not exclude them by any means. I would leave the door open to them. I am not sure that they want to come into it. If they do, they can come here and ask for it.

MR. HAGEY: Q. But if we did not exclude them they would be included?

A. That will depend on your definition, and that is why I think we would make better progress if we had a draft Bill before us. You will be closing this sitting during the next three days. Perhaps this suggestion will result in an organization of the civil servants as the municipal employees are organized in the City of Toronto. We have the fire fighters in the entire province with headquarters here, and we have the police, and the civic servants of Toronto association. If they are interested in being included in this Bill, let them come up and ask for it.

MR. HABEL: Q. Would you go as far as to say the employees' councils or any other committee who had been appointed by employers to bargain with the company should be outlawed?

A. No.

Q. There is quite a difference of opinion as to what company unions are?

A. I would outlaw that anomaly, a union which is dominated by the employer, because it is an anomaly.

Q. When the employees have by secret ballot decided to elect a committee to represent them as the employees' council, would you be against that?

A. That is not a company union that you have described; that is a plant union.

Q. Some call it a company union, just the same?

A. What you have mentioned is a plant union, and if the employer does not dominate it and makes no subscription to it and is not in a position to guide it and force it to do this, that or the other thing, at his bidding, then you have simply a small independent plant union, and of course it should be recognized. Size has nothing to do with it; it is the principle of it.

As to company unions, I suggested this morning that it reminded me of the story of Mr. Bennett holding a cabinet meeting. You all remember the story of how the former Prime Minister was walking down the street talking to himself and somebody asked if he had gone a little crazy, and the answer was: "No, not at all; he is just holding a cabinet meeting!"

A company union is just about that kind of a cabinet meeting, where the employer is talking to himself and getting nowhere, where the employer has a grip of some kind on the union so that it works to his purposes and not to the purposes of the employees. That type of union should be abolished or restricted in some way.

THE CHAIRMAN: Thank you very much, Mr. Roebuck.

Witness withdrew.

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DRUMMOND WREN, sworn.

WITNESS: Mr. Chairman and members of the Committee, first of all I want to associate myself as a member of this group here to-day with Mr. Roebuck and the views he has put before you, and also his answers to the various questions asked.

I should like to add one or two little matters arising out of my own experience, gentlemen.

THE CHAIRMAN: Q. What is your occupation?

A. General secretary of the Workers' Educational Association

Q. What organization is that?

A. It is an organization of working people that we call a link between labour and learning. We bring university education to workers, and we are the medium to bring that sort of education to them either by radio, evening classes, study circles, and so on.

MR. FURLONG: Q. Are you with the university?

A. No.

MR. MACKAY: Q. Are you an officer of the local group in Toronto, or is it provincial?

A. Ours is provincial and national.

THE CHAIRMAN: Q. How is it financed?

A. By grant by each provincial government for tutors; by the Carnegie Corporation; by labour organizations and individuals; it is purely an educational movement.

MR. HAGEY: I can vouch for this organization. It is certainly worth while.

THE CHAIRMAN: It sounds like it.

Q. Proceed.

A. As the officer for that organization I have been called upon by many unions and labour groups in the last two years, particularly in the last year and a half, to sit on about twenty boards of conciliation. Invariably we find that the question before these boards of conciliation is union recognition or collective bargaining, and had there been proper legislation in Ontario, or let us say had there been adequate labour legislation in Canada, a great amount of the injustice would have been eliminated. It is not only a question of collective bargaining. I do feel that if there is going to be a labour Bill, that labour Bill should go a little farther than merely compulsory collective bargaining. We find in many cases on these boards that the employers would immediately say: "But we are not objecting to collective bargaining." This is in the last year or two. Now, they raise no objection to collective bargaining but they want to designate who the group shall be that they will bargain with, and as long as that group is not one which the employers themselves can dominate they do not want collective bargaining.

For that reason, gentlemen, any Bill that comes through on collective bargaining must designate who the collective bargaining agency shall be. For instance, you will have it put before you—perhaps it has already been put before you during the sittings of the Committee—before the sittings are over, that they



are prepared to bargain collectively, but with their own employees, which means all the employees, and they are not an organized group. The companies favour bargaining with them, but that is impossible, gentlemen, because there can be no collective bargaining unless the employees are in an organization of their own. How could a loose group of that sort be a party to a contract? There must be an organization to bargain with, so that there will be the discipline of the organization over the organized group, whose representatives can speak for the employees; otherwise any contract signed could not be enforced because the employees themselves did not belong to a group that could be compelled to observe the terms of that contract.

The attitude we have seen prevalent towards labour suggests that the employees are some sort of incorrigible step-children in this community, and that the employer must always be the one to keep them in line and find laws to restrain them. Labour is composed of adult people with minds of their own, capable of selecting their own organizations and officers. Gentlemen, they have selected you.

MR. ROEBUCK: And they did a good job, too!

WITNESS: If they can take that responsibility without having somebody else tell them who they shall select, surely they should have the right and responsibility of selecting their own organization and their own officers without interference from employers. I feel that any legislation must contain such provisions, and must outlaw company-dominated unions.

There has been some confusion about company unions. I think even the Trades and Labour Congress of Canada itself does not say you should outlaw a plant union freely chosen by the employees and not dominated by the company. They ask you to outlaw company-dominated unions because then there is no collective bargaining, and the employer can sit on both sides of the table.

THE CHAIRMAN: Q. And he can argue with himself quite easily?

A. Yes.

MR. ANDERSON: Q. What about the city council?

A. It so happens that in most cities the employees are organized. The city council of Toronto bargains with its civic employees. The firemen have a committee, and the street railway employees have a committee, and the hydro employees have an organization, all of whom bargain collectively. Most civic employees are of the working class.

The question was raised as to employers of a small number of men being exempt from the provisions of this Bill. To exempt employers of four or five employees under any legislation that is enacted would encourage sweat-shops. Employers with small numbers of employees, because they are exempt from organization could pay whatever wages they desired, which would not only adversely affect labour, but the employers, too, and it would not be a good thing for industry. For instance, in the building trades an employer may have only four or five employees, but the employees all come from the building trades union. Take Oshawa, where there is a large plant with 4,000 or 5,000 employees

organized, and a small plant of five or ten employees: Why should not the five or ten employees be allowed to bargain collectively? Otherwise it would mean that the employer could do what he liked with them, and often would do so.

THE CHAIRMAN: Q. Do you suggest that the government should take a secret vote in a shop employing five men?

A. It would be very easy to take, and would not cause them any trouble.

Q. And after the five men elected their officers there would be two left off the bargaining agency?

(No response.)

MR. FURLONG: Q. The whole of the five men could go in and make an agreement?

A. Or if they were in an allied industry they could be represented by the amalgamated union.

Q. They could all go in and sign an agreement with their employer?

A. Certainly.

Q. There is nothing to stop them from saying: "We hereby agree to be bound by the provisions of this agreement"?

A. Yes.

THE CHAIRMAN: Q. There would not be much trouble in the case of a small number of employees?

A. No; there is no problem there, but it would not be right to exclude them.

Witness withdrew.

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R. H. SAUNDERS, sworn.

WITNESS: Mr. Chairman, and members of the Committee, I just want to associate myself with the sentiments expressed by the two previous speakers. As far as we in the City of Toronto are concerned, we have a labour union representing most of the employees or which will represent most of the employees in the near future. We have been dealing with them around the table very successfully. We have on their recommendation set up in the city a small committee to go into the whole question of employee and employer relationships, and I believe it will work very successfully, and that we shall not have the difficulties we have had in the past.

THE CHAIRMAN: Q. What were your difficulties in the past?

A. Not knowing who represented the employees. That was our greatest

difficulty. There were so many different organizations that we did not know them, but now we know them because they are organized.

MR. ANDERSON: Q. Have you a collective bargaining agreement with your employees?

A. We have nothing in writing with our employees except a shake of the hand. There were differences, and they came to us and we ironed them out.

THE CHAIRMAN: Q. And you found them reasonable?

A. Highly reasonable.

Q. We will not ask how they found you?

A. I hope they found us reasonable, too. I am happy to be here associating myself with the Workers' Educational Association and this brief.

Witness withdrew.

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J. L. GABRIEL KEOGH, sworn. Examined by MR. FURLONG:

Q. Mr. Keogh, where do you live?

A. St. Catharines, Ontario.

Q. What is your business?

A. Barrister and solicitor.

Q. Who do you represent?

A. I represent the Niagara Industrial Relations Institute.

Q. And what is the Niagara Industrial Relations Institute?

A. That is a corporation which was incorporated under The Ontario Companies Act, a non-profit corporation without share capital, in May of 1942. The members of the organization are made up of some thirty large employers of labour in the Niagara peninsula, a large proportion being in St. Catharines, with other employers from Niagara Falls, Welland, Port Colborne and Merritton. It was organized to improve industrial relations between employers and employees in the Niagara Peninsula and to formulate policies for proper collective bargaining relations between employers and employees in that district.

Some of the members—I have not listed them all—are:

McKinnon Industries, St. Catharines, Ontario.  
Lightning Fastener, St. Catharines, Ontario.  
English Electric, St. Catharines, Ontario.  
Hayes Steel, St. Catharines, Ontario.



Imperial Iron, St. Catharines, Ontario.  
McKinnon Columbus Chain, St. Catharines, Ontario.  
Packard Electric, St. Catharines, Ontario.  
St. Catharines Steel Products, St. Catharines, Ontario.  
Thompson Products, St. Catharines, Ontario.  
Welland-Vale, St. Catharines, Ontario.  
Engineering Tool & Forgings, St. Catharines, Ontario.  
Foster-Wheeler Corp., St. Catharines, Ontario.  
Atlas Steel, Welland, Ontario.  
North American Cyanimid, Niagara Falls, Ontario.  
Canadian Furnace, Port Colborne, Ontario.  
Ontario Paper Company, Thorold, Ontario.  
Alliance Paper Company, Merritton, Ontario.

Those are some that I listed while sitting in my car outside. At the outset I wish to say to you, Mr. Chairman and members of the Committee, that the Institute appreciates very much this opportunity of making representations before you. We agree with the theory and principle of collective bargaining, and practically all our members, or a large proportion of them, have now or are negotiating collective bargaining agreements with, in most cases, the representatives of their employees, and in two or three cases with plant unions which are not company-dominated.

I propose, with your permission to read the brief which we have filed, and then read the draft Act which we have also filed, and I shall welcome the opportunity to answer any questions to the best of my ability as I proceed:

"BRIEF OF NIAGARA INDUSTRIAL RELATIONS INSTITUTE TO THE  
SELECT COMMITTEE OF THE ONTARIO LEGISLATURE STUDYING  
A PROPOSED BILL FOR COLLECTIVE BARGAINING

The Niagara Industrial Relations Institute appreciates this opportunity of appearing before this Committee and making what it regards as constructive suggestions in order that you may be assisted in your deliberations and help you to recommend the terms of a Bill on Collective Bargaining which will meet the legitimate aspirations of workers while at the same time preserving the responsibilities and rights of both employers and employees as parties to collective labour agreements.

This Institute has quite recently been organized under the laws of the Province of Ontario and is an association of employers in the Niagara Peninsula, numbering some 30 large employers employing in all some 25,000 workers. Its primary purpose is to bring about a better understanding between employers and employees in all matters affecting their mutual interests. It is also concerned with the formulation of a common policy and the establishment of uniform practices in all fields of labour relations. In these purposes the underlying factor is the improvement of relations with the workers. It cannot be said, therefore, that the Institute is not concerned with the proposal to introduce legislation dealing with the all important subject of collective bargaining. Moreover, the representative membership of the Institute, the diversified nature of the industries in the area, the foremost place which the Niagara Peninsula occupies in the

industrial life of this Province, gives its views some weight and we believe that our suggestions, if adopted, will make for the most satisfying recognition of collective bargaining from the standpoint of both management and labour.

The Institute was seriously concerned at the possibility of legislation being passed without giving management any opportunity of voicing its views on what is, after all, a subject with which it is seriously concerned. Moreover, there is legitimate objection to the procedure of incorporating in a Bill only the views and desires of organized labour. Such a course, we are convinced, would have been against the best interests not only of management, but of organized labour itself. The appointment of this Committee to thoroughly study all aspects of the question removes from the minds of our members any apprehension that 'panic legislation' will be passed and we commend the Government for the action taken as well as members of this Committee upon the importance of the work they are undertaking. That your labours may be fruitfully concluded and, if a Collective Bargaining Bill is deemed necessary, that it may embody the collective wisdom of the Legislature, of labour and of industry, is our fervent wish. Needless to say, we stand ready to co-operate to the utmost in bringing the best possible light to bear upon this worthwhile objective.

In the first place, we are of the opinion that legislation is unnecessary to bring about collective bargaining on wages, hours of work and conditions of service between employers and employees. We believe that the only realistic way of regulating relations between employers and employees is on a collective basis through the agency of the free, unfettered choice of the workers, no matter what that choice may be, provided the organization chosen is a legal one. But we believe that the responsibility for instituting the system of bargaining collectively rests squarely on the shoulders of management and the workers themselves, and in this day and age it should be totally unnecessary for the State to impose something which every right-thinking employer and worker considers to be the only practical programme. Collective bargaining has been firmly established for many years in some of the most important industries in Canada, the principles of which were laid down, and the practice of which has continued, without the whiplash of Government enactments. The railway industry, the pulp and paper industry, the building construction industry are outstanding examples and we see no reason why the common acceptance of collective bargaining should not be the rule rather than the exception.

However, if industry and labour have not lived up to their responsibilities and have failed to bring about through mutual understanding a fair and reasonable system of regulating their relations by negotiation and discussion, and if this Committee is satisfied that an enactment of the Legislature is necessary to compel industry and labour to bargain collectively, then we respectfully suggest that the rights of both parties be protected and secured through the inclusion in the Bill of appropriate measures. The following suggestions are sincerely submitted as being designed to afford that necessary protection.

The definition of a Labour Organization should not be restricted so as

to embrace only those organizations holding charters from the Central Labour Bodies, whether of Canadian or American origin. While affording to employees the right to organize in whatever union they desire, we do not think that unions confined as to membership to the employees of an individual plant, unions which may or may not be affiliated to National or International organizations, should be excluded from the definition, although we are satisfied that such definition should provide for some assurance that the choice of any union, independent or otherwise, is the free choice of the workers themselves, without control or influence from their employers or from the agents of their employers. We submit that the so-called independent unions or plant associations are bona fide organizations, the test being the desires of the workers themselves."

Now, we have that condition existing in three of our members' plants where they are quite satisfied to have their own plant union which is not company-dominated, and they do not want any other kind of union.

MR. FURLONG: Q. Nobody has asked that that should be done away with.

A. Very well, sir:

"This Institute firmly believes in the practice of collective bargaining and on behalf of its members is prepared to give assurance that the right of the workers to organize in, and to bargain collectively through, the unions of their choice is not, nor under present circumstances, will it ever be in jeopardy. There are, however, some fundamental requirements which should be inserted in the Bill before any union, National or International, Independent or Affiliated, Craft or Industrial, should be recognized as the bargaining agency. It is a postulate of democracy that the will of the majority should govern, provided that any inherent rights of minorities are fully secured. The common law of this country recognized the right of individuals, not only to belong to any organization of their choice, but also the right to refrain from joining any organization. The membership in a trade union as a condition of employment is the negation of this right, a right which should be uncompromisingly preserved. The closed-shop, or its counterpart the union-shop, should not therefore be countenanced.

Before any organization can claim recognition as the bargaining agency for a group of employees it should be in a position to clearly satisfy the management from which it seeks recognition that it is authorized by a majority of the workers concerned. In this connection we have noticed with some apprehension a recent tendency on the part of the Dominion Government and the Provincial Government to seek to establish the right of unions to recognition, by means of a secret ballot of the employees. To our minds this procedure is basically wrong. In the first place a union derives its authority to be the bargaining agent by virtue of the willingness of workers to be represented by a strong union. To secure this representation they are willing to finance the organization by weekly or monthly contributions from their hard earned wages. A union seeking recognition, therefore, must demonstrate to the satisfaction of management or, if the union rightly or wrongly fears that a revelation of its membership records would result in discrimination against its members, to some impartial



Government official, that it has, in *fully paid-up membership* a majority of the workers it seeks to represent. To attempt to establish this information by secret ballot is not consistent with the policy of unions themselves. A union claims to be interested only in the welfare of its members, that is, those who are willing to pay for the service which the union provides, although in the interests of building up goodwill and a potential increase in its membership it may, and frequently does, take up grievances on behalf of non-members. The secret ballot formula, however, is inherently wrong on two counts. First, it gives to men who are not members and who have no intention of becoming members, the advantages of trade union membership without accepting its responsibilities. They seek, in other words, to ride the train without paying the fare, with the underlying thought in mind that by voting for the union they *may* be better off but *cannot* be worse off."

MR. FURLONG: Q. Supposing a company had a number of employees who did not belong to any union and they decided to choose their own independent organization or set up a committee amongst themselves, they could not have any membership to choose from. How would you do it if you didn't do it by ballot?

A. Well, as you will see from the draft Act which we submit, we say it should be done by the paid-up membership. A vote by ballot is illusory for this reason, that the employee is asked: "Do you wish to be represented for bargaining purposes by us—let us say it is the C.I.O.? Yes or No." Now, that union may in fact have only 25 per cent paid-up members in the plant, but what do you find in the case of all these votes taken around the province: 80 per cent or 90 per cent of the employees say Yes, not necessarily because they intend to join the union but because the union has started something and they are going to get on the band wagon and hope to get something out of it. In reply to the question put by my learned friend the counsel for the Committee, we say: "If you have 51 per cent members we will deal with you and negotiate a collective bargaining agreement with you. If you have not 51 per cent paid-up members, let the employees themselves by a secret ballot choose a plant-negotiating committee"; which is a different thing altogether from saying: "Do you wish to be represented by a union?" Let them pick out their plant-negotiating committee of six or eight or ten members, or one for each department in the plant, and the management will sit down and negotiate the agreement with them. They may be half union and half non-union men, and next year they may be all union men, or on the other hand the union organizer may have moved on to another plant and ceased to serve those employees, and in two years' time it may be that they are largely non-union men; but it is the choice of the workers in the plant by secret vote in the plant. That, it seems to me, is a thoroughly democratic way to go about it, and you have your negotiating committee representing all the employees. We want to negotiate with our own employees.

MR. DRUMMOND WREN: Q. A union might have 10 per cent, 15 per cent or 20 per cent, as is the provision in the United States, but with 20 per cent they can ask for an election. Why do you distinguish between the bargaining committee and the union?

A. I was answering counsel. Speaking as an employer I am anxious that I shall have good relations with my employees, but you have to draw the line somewhere. If the union have the majority of my employees as members, I am

willing to deal with the union. On the other hand, you would not expect me to deal with a union which has only 10 per cent of my employees, and leave the rest out in the cold. So I say if they can say to a government official or to management that they have a 51 per cent paid-up membership I will deal with them.

Q. But if after a vote is taken they do become members, what occurs?

A. If they get that much stronger by the time the agreement is negotiated and you put your machinery in force to elect your plant committee to carry out the agreement the union will elect the whole union slate on that committee and have the conduct of the agreement and be in charge of the grievance procedure.

Q. If you say that when they have a minority there should be a vote, but as soon as they get a majority they lay down their cards and become the bargaining agents, very well.

A. The only kind of vote I object to is the vote to determine the bargaining agency.

Q. That is the question. You object to that vote. In many cases a union would have 10 per cent, 15 per cent or 20 per cent, as is the provision in the United States, but with 20 per cent they can ask for an election, and in that election get 90 per cent of the vote; and the reason that 90 per cent is in the union is because of fear of intimidation, and it is only by winning the vote and having the right to bargain collectively that they feel they can become members of the union.

A. That is your view. I think a lot of that other 80 per cent or 90 per cent vote because there is only one alternative put before them: "Do you wish to be represented by the C.I.O. for collective bargaining negotiations? Yes or No?" If they vote No, there is no other machinery. They have only the one alternative, and they vote for that alternative although, if we say for the sake of argument, that three-quarters of them do not belong to the C.I.O. or do not intend to join, it is an illusory vote usually interpreted by the union to mean, so far as management is concerned, that the union has 90 per cent of the employees as members, when usually it has no such number.

Q. The actual result is that 90 per cent become members.

A. Our experience has not been that. Our experience has been that a certain percentage do become members.

Q. Usually the majority.

A. Our experience has been that they keep up their dues for a month or two and then the organizer moves on to some other plant and the union membership falls down again. I am only pointing out that the election of a plant-negotiating committee to carry out the agreement and administer the grievance procedure, and so on, is absolutely fair both to union and non-union employees because, depending on the majority, one side or the other will elect it; and if, as you say, the union gets stronger all the time, it will elect the plant-negotiating

committee year after year to carry out the agreement, and they will have the machinery for collective bargaining in their hands. If the union weakens and falls down, the employees as a whole will elect the plant-negotiating committee. Then:

"The second inherent fault in the secret ballot formula is that it gives an opportunity for union organizers, by means of intensive propaganda campaigns and the making of specious but unfulfillable promises, to whip up a sentiment for the union of a most transitory kind, by inculcating a belief that only by casting a vote for the union can the worker secure any benefit whatever. Majority votes in favour of unions under these circumstances at best are only illusory majorities and so far from helping the union, in the long run actually militate against the establishment of strong, healthy unionism. The interests of the members of this Institute lie in fostering and encouraging the formation of strong, well-organized unions which can authoritatively negotiate with, and interpret the will of the workers to, management. The back door entrance brought about by the secret ballot does not, in our opinion, tend to make strong organizations because membership soon lags in the face of unfulfilled promises. Moreover, unions count on the psychology of the worker who would like to benefit from union privileges without paying dues in the hope that if a person *votes* for a union now, it will be in a position to *force* his membership when recognition is extended. We suggest, therefore, that the first requisite for recognition of any union must be its ability to show, on the basis of fully paid-up membership records, its right to represent the majority of the workers for whom it claims collective bargaining rights."

MR. MACKAY: Q. With regard to the instance you cite, assuming that the union shows on their records that they have a 51 per cent majority of the workers in that particular shop, do you suggest that the management would sit in with them and recognize them as the bargaining agent, or should there be a vote taken as well?

A. No. We will sit in with them and recognize them as the bargaining agent, and will negotiate an agreement with them, and do not want any vote at all, because votes disrupt production and cause bad feeling. We will negotiate an agreement with them, and that agreement will provide for election once a year by a plant-wide vote of all our employees to elect a plant committee to carry out and administer the agreement and negotiate grievances with management.

Q. Do you object to anything less than 51 per cent?

A. Yes. You have to draw the line somewhere, and our theory is that the will of the majority should govern in a democratic country. Then:

"Another important fundamental is the condition which arises after a collective agreement has been consummated and where union membership tends to diminish through sheer disinterestedness. The union still holds the agreement, however, with the employing company on behalf of all or a majority of the workers. The usual practice is for agreements to run for a period of one year and to be renewed annually thereafter. Under present



conditions it is almost impossible for the employer to know whether or not the union continues to enjoy the confidence of the majority of the workers. Moreover, regardless of what might be said to the contrary, union agreements in effect apply to all workers in a plant whether or not they are members of the union. Nor could it be otherwise. The practice of having one set of conditions for union men and another set for non-union men is an absurdity. True, the unions will claim that this is justification for the closed-shop or the union-shop. This, however, is essentially a union problem and no management would object if every employee became through his own voluntary action, a union member. What is a management problem, however, is in the discharge of its responsibilities to all of its employees to know whether or not the union continues to enjoy their confidence. The onus for satisfying management on this point should be placed squarely on the shoulders of the union concerned. To this end, therefore, we suggest that a provision be inserted in the Bill which would require that evidence of the paid-up membership be submitted by the union, before an agreement is negotiated, executed or renewed. An election of a negotiating committee to be held in the plant by ballot of all employees regardless of their union or lack of union affiliation is desirable to provide the machinery to negotiate, execute and carry out the terms of the collective agreement after the bargaining agency has been determined by proof of paid-up membership as above. The advantage of this provision is obvious. So long as the union continues to represent the majority of the workers the negotiating committee which would be elected on a plant-wide rather than on a departmental basis, should inevitably be a union committee. So long, however, as the union representation drops below 50 per cent, the right of continuing an agreement with the union as part of the second part will no longer exist. Consequently, the incentive of the union to service its members is continually present. . . ."

MR. NEWLANDS: Do you mean that if some time during the year the union membership dropped below 50 per cent that agreement would be out?

A. No. The agreement would carry on, but the people who were administering it, the plant committee, would then be largely non-union, because the non-union slate would be elected on the plant committee instead of the union slate.

THE CHAIRMAN: Q. At the next election?

A. Yes.

" . . . and management would have the satisfaction of knowing not only that the union continued to represent a majority, but, what is more important from an industrial relations standpoint, that it was doing a good job for its members and the employees generally. We realize that the objection of the unions to this proposal will be that they decline to participate in any committee composed partly of union and partly of non-union employees. In our opinion this objection is unwarranted. As stated above, if the union representation continues at 51 per cent or more, the negotiating committee will be entirely union members, otherwise it would be entirely non-union for the reason that the total vote would determine the election of the union or non-union slate.

This Institute believes that the negotiating committee so elected should be assisted in the negotiating and administration of a collective agreement by any union officials, whether or not employees of the company, whom they desire. The utilization of experts by unions tends to enhance the value of true collective bargaining and we welcome the presence at periodical meetings of union officials.

As to the terms of any collective agreements, we do not propose to make any observations. We believe in the full and free play of collective bargaining and for the moment make only this comment—that a collective agreement should be fair in its terms to both parties.

The execution of a collective agreement, however, is not the end of the job; rather is it the beginning. It is merely the instrument by means of which the process operates. Consequently it is of supreme importance that both parties to the agreement be vested with full authority to enforce its terms one upon the other. Too frequently the terms of collective agreements have been broken with impunity. While employers are not exactly above suspicion in this regard, it is unfortunately too true that unions have been quite unable to restrain their members from precipitate action even in those cases where the union itself has condemned, or at least refrained from taking the lead in strike action in violation of an agreement. The recent strike in the Windsor plant of the Ford Motor Company of Canada is a case in point. Here, a group of workers, in consequence of an alleged grievance, and in the face of an agreement which clearly provided for no stoppages of work during its existence, and which grievance was later proved to be entirely without merit, successfully tied up this vital plant for a considerable time. The union in this case only condoned the strike after it was actually in effect. In justice to the union, it is possible that had it been consulted by the aggrieved workers before resorting to a stoppage it would have advised against the drastic action. Whether the advice would have been heeded is another matter. The real point is that the union members, instead of being led, were doing the leading. A similar instance occurred in the recent steel strike where the Sydney steelworkers ceased work without notice and without authorization from their union. It was only after the stoppage had occurred that the union executive in solemn conclave authorized something that was an accomplished fact in any event and would have still remained an accomplished fact even if the union had refused to condone it.

These are two outstanding examples of any similar situations. We think it indicates a complete disregard of authority by union members, that leadership is lacking in other words. If a collective agreement is to accomplish all it seeks to accomplish, then there must be recourse to some disciplinary action against those wilfully violating its terms and this applies to both parties to the agreement. But if a union is not prepared to voluntarily punish those of its members guilty of infractions, the only remedy is to make provision for the collection at law of damages against a union for the acts of its members, exactly as a corporation is liable for the acts of its servants. For this reason, we suggest that unions should be made capable of suing and being sued, and that their members should be considered as servants of the union.

This brings us to the question of union responsibility. It is a postulate that with power goes responsibility. That this is true in all fields of endeavour cannot be denied and, generally speaking, in our way of living our people are equal to the occasion. With the assumption of power goes a corresponding realization of the responsibility attaching. It is generally true in the field of labour organization. But no one wishes to deny either the fact or the desirability, that with the vast expansion of unions goes a tremendous potentiality of power. The time has now been reached when consideration must be given to the question—Have the unions shown consciousness of the responsibility resting upon them? If the answer is 'No', then consideration will have to be given as to whether the public interest requires the imposition of the responsibility they are unwilling to assume, and what form this imposition should take.

In leaving this thought with the Committee, we are satisfied that many suggestions along these lines will be laid before you. The compulsory registration and incorporation of unions, the filing and publication of their financial statements, of their constitutions and by-laws, etc., will be advocated. We support these suggestions. In addition, we propose to lay before you a suggestion which, we think, is new but not novel, effective but not revolutionary, and one to which the unions themselves can take no legitimate objection as it is in their best interests as well as in the interests of employers, workers and the public.

Briefly, it is an Act for the licensing by Government authority of unions, union organizers and other officials of labour organizations in a similar manner to the manner in which real-estate and insurance agents, stock-salesmen and brokers are licensed. Members of these occupations are licensed in the public interest because the nature of their operations would cause great loss and hardship to the public if unfair dealing, fraud, or misrepresentation, is practised, and because solicitation of moneys is made. But under a scheme of licensing, fraud, misrepresentation and other unethical practices result in the cancellation of the offenders' licenses and the consequent deprivation of their livelihood. The further result is that these licensed occupations are now conducted on a high standard of ethics and they are now recognized as dignified and honourable callings.

How much more necessary is it to protect the working class public against the fraud, unethical practices and misrepresentations of unprincipled labour organizers? Indeed, we know of many organizing campaigns which have their whole basis on systematic misrepresentations of the worst kind—such as the irresponsible promises of altogether impossible wage increases, the suggestion that only by joining the union can the worker retain his employment, that by joining the union the workers can in effect take over the management of the plant, the suggestion of illegal strike action. We are all familiar with the tactics of some unions which distribute handbills and 'dodgers' containing misrepresentations of the most despicable nature, and there are other forms of grossly improper and insidious propaganda. A system of licensing unions and union agents would at once bring an end to these tactics, for the individual would know that he could be called to account for his misdemeanours and he would be liable to lose his license without which he could not work as a union organizer or official. On the



other hand, it would at once raise the ethical standard of union agents and above all would permit the worker to judge of the long term advantages of trade union membership without coercion or the raising of false hopes based on specious promises. A worker joining a union because of his clear appraisal of the advantages of unionism makes a better union member than one who joins for the immediate but frequently illusory pecuniary benefits which he has been promised. A lifelong union man is a better proposition from the union standpoint than one who pays his first month's dues but defaults on his second because of unfulfilled promises of glib union organizers.

Trade unions are registered in England under the English Trade Union Acts of 1871 and 1876."

MR. MACKAY: Q. Is that compulsory?

A. I believe it is, in that it applies to all unions in England.

MR. HAGEY: Oh, no.

MR. FURLONG: Q. It is permissible?

A. I have not recently checked that Act, but I did check the next one:

"In this connection it is interesting to note that there has been a Dominion Act for many years known as The Trade Unions Act, Revised Statutes of Canada, 1927, Chapter 202, which is based on the English Trade Union Acts. Under the Canadian Statute, unions are given a number of legal privileges and legal rights if they register with the Registrar under that Act "

This Dominion Act is not compulsory.

"However, Canadian Trade Unions as a whole have not availed themselves of the provisions of the Canadian Statute and the privileges granted thereby as apparently they do not wish to assume the responsibility imposed by that Act which permitted certain classes of actions to be brought by and against trade unions. This is an added reason why trade unions should be compelled to register and be forced to assume responsibility as outlined in the Draft Act submitted herewith. A further reason is that the validity of the Dominion Act has been doubted—see 65 O.L.R. 296 at 301 and 62 O.L.R. 40 at 54. The English Trade Union Acts have been held to create quasi-corporations—see 1901 A.C. 426 at 442; (1909) 1 Ch. 163 at 191; 1910 A.C. 87. Labour legislation has been held to be primarily within the power of the province—see 1925 S.C.R. 505; 1925 A.C. 396; (1925) 2. D.L.R. 5.

It is the best type of unionism that we are anxious to inculcate and foster. We are satisfied that this Committee is imbued with the same ideals. Any union which has in mind service to its members rather than the mere self-interest of its officers is bound to subscribe to these views. We are glad to collaborate with such unions."

THE CHAIRMAN: Q. When did that desire sweep over your institute?

A. What, sir?

THE CHAIRMAN:

“It is the best type of unionism that we are anxious to inculcate and foster. We are satisfied that this Committee is imbued with the same ideals. Any union which has in mind service to its members rather than the mere self-interest of its officers is bound to subscribe to these views. We are glad to collaborate with such unions”?

A. We have had a number of directors' meetings, and this brief in draft form, with some differences, was submitted to the members of the board of directors. And the vast majority of the members—I do not know of any who did not take this view—took the view that it is no disadvantage to them to have a strong union in the plant and to have good employee representation, for they will have somebody they can sit down and discuss grievances with, etc.

Q. When did they become solicitous about strong unions, since the incorporation or before the unions began to get strong?

A. They were incorporated in May, 1942.

Q. And before that they were not interested in getting strong unions?

A. They had an unincorporated association following a meeting called on November 10th, 1941, which functioned until the incorporation.

MR. MACKAY: Q. Are the organizations represented in this brief affiliated or associated with the Canadian Manufacturers' Association?

A. I believe that a number of the members of our Institute are also members of the Canadian Manufacturers' Association; I do not know exactly how many, but my guess would be about half.

Q. We had a brief from the Canadian Manufacturers' Association, although perhaps not as long as yours?

A. We run our own show over there so far as industrial relations are concerned; we have not attempted to work with the Canadian Manufacturers' Association in that regard, and I have not seen their brief. Then:—

“It should not be overlooked also that the employees in some plants may be well contented without any union organization or representation, do not desire the same, and do not desire any special arrangements to enable them to bargain collectively with their employers. Several of our members are in this happy position at the present time. This is an added reason why collective bargaining should not be made compulsory on all employers and employees, or at least should be left to be dealt with by detailed regulations to be enacted by a statutory commission as and when circumstances arise.

We submit herewith a suggested Draft Act which we trust will receive the favourable consideration of the Committee.

We shall be glad to furnish any further information which may be desired by the Committee and which is within our power.

All of which is respectfully submitted.

Niagara Industrial Relations Institute."

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MR. FURLONG: Q. With regard to that second last paragraph referring to collective bargaining where you have no union, if it was asked for by a majority of the employees it would not be made compulsory?

A. I see.

Q. It is compulsory only where it is requested by 51 per cent?

A. Yes. I had in mind one particular plant, the president of which is here to-day, Dr. Fox of the Lightning Fastener, where they have had group meetings with employees, and his door is always open to them. They have no collective agreement, but the employees can come and talk about anything they want. A man came up from Ottawa a couple of weeks ago representing the Selective Service to organize a plant council. He was allowed to address the employees for an hour or an hour and a half, and offered to help them to draw up a proper collective agreement and also a constitution for them.

MR. NEWLANDS: Q. Was he a government official?

A. Yes. Apparently the management-labour plant councils are being sponsored by the Selective Service at Ottawa. After the meeting was over he said: "Are there any questions you would like to ask?" and one man said: "Yes, all I want to know is, if I move from St. Catharines to Vancouver to take a job out there at the request of the government will I get my fare paid?" and somebody else asked a question about the interpretation of the Selective Service regulations; but no one seemed a bit interested about drawing up an agreement or forming a plant council. These employees are all satisfied with the wages and hours of labour, and do not want a plant council or union or agreement.

THE CHAIRMAN: Q. Where you get an employer who is deeply interested in the welfare of his employees and who likes to sit around and deal with them, there is no trouble?

A. There is no trouble there, sir. Three of our members are in that position.

MR. MACKAY: Q. How can you exclude them from the Act? After all, it is pretty hard to differentiate? You have to establish the principle in the Act giving the workers the right to organize in a union of their own selection?

A. My answer is this, Mr. MacKay: We heard references here to municipal employees and civil servants. It is like drawing a will. Your chairman, Mr.



Clark, will tell you as a lawyer that when you proceed to draw a will you endeavour to anticipate every possible eventuality you can, and yet after the testator dies something crops up that was not covered. I think it is going to be very difficult to make an Act that renders collective bargaining compulsory for everybody that will fit every particular case.

Q. If those groups in those three plants you talk about do not seek collective bargaining, they will not have it?

A. If they want it they can have it; there would be no objection to that.

MR. FURLONG: Q. At page 8 of your brief in the first paragraph you say:

"But if a union is not prepared to voluntarily punish those of its members guilty of infractions, the only remedy is to make provision for the collection at law of damages against a union for the acts of its members, exactly as a corporation is liable for the acts of its servants. For this reason, we suggest that unions should be made capable of suing and being sued, and that their members should be considered as servants of the union."

In what country does such a law exist?

A. None that I know of, but here is the point: You have a collective agreement with a union supposed to be a strong union representing 75 per cent of your employees, and it deals with the grievance procedure, going from the foreman to the superintendent and from the superintendent to the plant management, and from the plant management to arbitration, and the agreement contains the provision that there shall be no stoppage of work or strike until that procedure is exhausted. Yet a few hot-heads, as at Ford and in Sydney, without the approval of union officials, take a strike vote and go on strike, which is a deliberate breach of the agreement.

THE CHAIRMAN: Q. Yes, and here is the danger, as far as I can see: You want the dues that have been paid into the union treasury by the level-headed fellows wiped out because of the irresponsible actions of a few hot-heads. That is the big objection to making union funds liable to execution?

A. Well, they take the responsibility the same as we do. If they are going to have a valid collective agreement enforceable at law they can sue us if we break it, and if they do not go to arbitration and carry out the grievance procedure I suggest they must take the burdens as well as the benefits.

MR. NEWLANDS: Q. They cannot take you into court if you do not live up to your agreement?

A. Not at the moment.

MR. MACKAY: Q. And you have never known of an instance where they could?

A. There were one or two cases where they tried to sue but could not sue. The courts held that they had no legal status.

MR. LASKIN: Q. No labour union is asking for the enforceability of collective bargaining agreements. That is the position of both the Trades and Labour Congress of Canada and the Canadian Congress of Labour?

A. The reason is that the union has the most potent weapon in its hands to enforce a collective bargaining agreement, namely, a strike, and they can say to management: "If you do not carry out your agreement we will go on strike," but what weapon has management?

THE CHAIRMAN: Q. Self-interest on the part of the union is the weapon, because it is like everything else, if you get good management in your union they are smart and intelligent enough to know that they cannot flout public opinion, and that it is against their own interest to violate an agreement?

A. I suggest to you with the greatest respect, sir, that when the steel-workers in Sydney, N.S., went out on an unauthorized strike they did not care a rap about public opinion or about the country's requirements with regard to steel for war purposes; they called the strike, and later on got their union officials to approve of it.

MR. NEWLANDS: Q. Mr. Conroy stated that if they had a plant 95 per cent organized they only had a 50-50 chance of winning a strike, in the event of going out on strike?

A. That may be. The unions say they are not asking that collective agreements be made enforceable, because they know very well they can enforce them by a threat of a strike. That seems to us to be an unfair position, that we should enter into an agreement which we fully intend to live up to, and which the union can enforce against us by a strike if we do not live up to it, but if the union does not live up to it we can do nothing.

MR. HAGEY: Q. Do not you think that a threat of a strike has disadvantages to both parties? The working man does not want to go on strike, and his employer does not want him to go on strike because there will be economic disadvantages to both parties?

A. Yes. We are not in favour of any strikes, of course. We would like a detailed grievance procedure, and we have it in some of our collective agreements, through all steps up to arbitration by an impartial arbitrator or three arbitrators, who would make a finding binding on both parties and get the matter settled without any talk of a strike until their efforts have been exhausted. That, we think, is fair to both sides. I brought that up in answer to my friend's suggestion that the union were not asking that these agreements be made enforceable.

THE WITNESS: May I read quickly this draft Act?

THE CHAIRMAN: We do not want to hurry anybody along, Mr. Keogh.

THE WITNESS: It is called The Labour Unions Act.

THE CHAIRMAN: What do you call it?

MR. KEOGH: You can call it any name you like. We do not care about the name.

"1. The Labour Unions Commission is hereby constituted as a body corporate and is hereby empowered and delegated to make regulations for the better carrying out of this Act and in respect of all matters relating to Labour Unions, Labour Organizers, Collective Bargaining and Employer-Employee Relations in the Province of Ontario."

We thought there were so many infinitely different kinds of cases about collective bargaining that ought to be left to detail regulations to be worked out from time to time by a commission.

"2. Such regulations shall come into force upon their approval by the Lieutenant-Governor-in-Council and from and after such approval shall have force and effect as if embodied in this Act.

3. The Labour Unions Commission shall consist of three members all residing in the Province of Ontario who shall be appointed by the Lieutenant-Governor-in-Council at such remuneration as he may fix and each of the said members shall hold office during the pleasure of the Lieutenant-Governor-in-Council. One of the said members shall be an industrial employer of labour or when appointed, an officer of a firm or corporation employing labour in industry. One of such members shall be an officer or organizer of a recognized labour or trade union or trade or labour congress or council at present operating in the Province of Ontario. The third member of the Commission shall be neither an employer of labour nor an officer of any employer of labour nor a trade or labour union member, official or organizer. The third member of the Commission shall be an impartial person and shall be the Chairman of the Commission.

4. The Lieutenant-Governor-in-Council upon the recommendation of the Commission or failing agreement among the members thereof, upon the recommendation of the Chairman of the Commission, shall appoint a Registrar and Secretary of the Commission who shall be paid such remuneration as the Lieutenant-Governor-in-Council may decide and who shall hold office during the pleasure of the Lieutenant-Governor-in-Council.

5. No labour union officer, official or organizer, no member of such union and no such union shall carry on in the Province of Ontario any labour or trade union activities, solicit membership, collect membership fees, assessments or dues, organize employees, issue advertisements, hand bills or circulars, distribute hand bills, picket, negotiate or enter into collective bargaining agreements or engage in any other labour or trade union activities unless and until such officers, officials, organizers and unions have first obtained a license from the Commission under this Act.

6. The fee for such license shall be \$1.00 per year or such further and other amount as the Commission may by regulation establish from time to time.

7. Any license or temporary license issued under this Act may be can-



celled by the Commission or a majority thereof at any time for any violation of this Act or of the regulations made thereunder or for any conduct or practice which in the opinion of the Commission or the majority thereof constitutes a breach of any collective agreement, misrepresentation, fraud, picketing with violence, unlawful assembly, intimidation, assault, unfair labour practices, breach of trust, misuse of union funds or any breach of this Act or of the regulations made thereunder or of the Criminal Code of Canada.

8. The decision of the Commission or of the majority thereof cancelling or refusing to cancel such license, shall be subject to appeal by any person aggrieved or interested, to a Judge of the Supreme Court sitting in the Weekly Court at Toronto on seven clear days' notice in writing to the other party concerned and to the Registrar of the Commission.

9. The decision of such Judge in the Weekly Court upon such appeal shall be subject to a further appeal to the Court of Appeal for Ontario in accordance with the usual practice of the Supreme Court of Ontario upon appeals from final judgments in the Weekly Court and the decision of the Court of Appeal of Ontario upon such further appeal shall be final and binding upon all the parties thereto and upon all persons interested therein including the Commission and the Registrar thereof.

10. Every union, union local and any other voluntary association of employees licensed under this Act shall be a legal entity and shall have power to sue in its name, shall be capable of being sued in its name, shall have power to contract in its name, to hold property in its name, to act by its officers, enter into contracts and execute agreements in its name by the hands of its officers, the whole in the same manner as a corporation duly incorporated under the provision of the Ontario Companies Act. Affidavits and other documents required in any Court proceedings on behalf of such union or association may be signed or executed on its behalf by any official, officer or organizer thereof and service of any legal process on any such union or association may be effected by serving the same upon any official, officer or organizer thereof.

11. Every union or association applicant for a license under this Act shall file with the Registrar an application in such form and containing such information as may be approved by the Registrar, which application shall be signed by any two of the duly authorized officials, officers or organizers of such union or association and shall be accompanied by a list of the paid-up members of such union local or association as of the date of the application together with their names, addresses and places of employment; a true copy of its constitution and by-laws, a list of the duly authorized officials, officers and organizers of such union local or association together with their names and addresses and a financial statement setting forth the assets and liabilities of such union local or association for the last calendar year preceding such application and also setting forth a statement of the payments by such union local or association during such calendar year to any other union or labour organization whether within or without the Province of Ontario. All of such lists and statements shall be accompanied and verified by a certificate of a chartered accountant authorized to carry on the practice

of his profession in Ontario or a statutory declaration of two of the authorized officials, officers or organizers of such union local or association.

12. Every individual applicant for a license under this Act shall file with the Registrar an application in such form and containing such information as may be approved by the Registrar, signed by such applicant accompanied by a statutory declaration signed by two of the duly authorized officers of the applicant's union local or association that such applicant is a paid-up member in good standing of such union local or association, resides in the Province of Ontario and that such union local or association approves of the issue of a license under this Act to such applicant as representing such union local or association.

13. All applications, lists, statements, statutory declarations and other information filed with the Registrar pursuant to this Act or to the regulations made thereunder, shall be privileged and confidential and shall not be liable to inspection or production in proceedings in any court or by any member of the public but the Registrar upon request and upon payment of a fee of \$2.00 for each certificate shall certify to any employer, to the official of any employer, to any union or association or to any official, officer or organizer of any union or association, the number of paid-up members of any union or association in any one plant or factory or employed by any one employer and shall also certify in the same manner upon request by any of the aforesaid individuals, whether or not any union or association or any official, officer or organizer thereof is licensed under this Act."

Our thought was that one union might not like to make its records available either to the employer or to some other union. In this way only a government official sees them and they are kept secret.

"14. It shall be a condition of any license granted to any union or association that within each period of six months after the granting of this license or at such other times as may be fixed by the regulations, such union or association shall file supplementary lists, statements and declarations bringing up to date in the office of the Registrar all the information required to be filed by it in respect of its application for a license under this Act.

15. Notwithstanding anything in this Act or in the regulations made thereunder, no employer shall be required to enter into collective bargaining negotiations or to negotiate, execute or renew any collective bargaining agreement with any union or association or with any official, officer or organizer thereof on behalf of his employees or a portion of his employees unless and until there is first produced to him for his inspection by such union or association or some official, officer or organizer thereof a certificate of the Registrar certifying the number of employees employed in the plant or factory of the employer who are paid-up members in good standing of such union or association and a certificate of the Registrar that such official, officer or organizer of such union or association and such union or association are licensed under this Act, and unless and until such certificate shows that not less than 51 per cent of his employees (excluding salaried and office employees and supervisors of and above the rank of foreman or comparable rank) are paid-up members in good standing of such union or association."

In other words, if I am an employer and a union organizer comes to me and wants me to negotiate a collective agreement I do not have to go through the disturbing influence of a vote in the plant. I can say to him "Show me the Registrar's certificate and if it shows 51 per cent of my employees we can sit down and do business."

THE CHAIRMAN: That is not what you say.

THE WITNESS: In terms the section does not say if there is 51 per cent there shall be, but it was intended that would be covered by detail regulations in the first section setting out the different kinds of collective bargaining.

"16. All officials, officers, members and organizers of any union or association, shall be conclusively deemed to be servants of the union or association of which they are such members."

That deals with the point raised by counsel for the Committee before. The purpose of that is to make the unions legally liable for all unauthorized acts of their officers or members in breach of agreements.

"17. Unless the context otherwise requires, the following words in this Act shall have the following meanings in addition to their common and generally accepted meanings:

(a) 'Union', 'Labour Union', 'Trade Union' and 'Association' shall mean and include every union local in the Province of Ontario conducting labour activities therein, holding a charter from any Canadian, American or International labour body or from the Trades and Labour Congress of Canada, The American Federation of Labour, The Congress of Industrial Organizations, The Canadian Congress of Labour, any independent union, and any other voluntary unincorporated organization of employees organized on the basis of craft, trade, occupation, plant, factory or industry, whether affiliated with any of the said bodies or not, including any such organization which is limited in membership to the employees of one plant or factory.

(b) 'Employer' shall mean and include any person, firm or corporation employing more than ten employees."

We fixed the figure ten after some discussion, because we thought where you had only five or less they were all so close to the foreman or superintendent they did not need to be included in any proposed legislation, and you have to draw the line somewhere.

THE CHAIRMAN: You do not have foremen or superintendents where there are eight or nine employees.

THE WITNESS: They all know the boss and call him by his first name. We show a bit of self-interest there because there are one or two law firms of which I know who have ten or less employees—or pretty close to ten. I did not think they needed collective bargaining—or maybe we need it more than anybody else, I do not know.



"18. The Commission shall have power to appoint investigators to:

(a) inspect all of the books and records of any union and all unions shall produce all of their books and records for inspection by such investigator at any time upon production by him of his appointment signed by the Commission.

(b) inspect the records of any employer showing the number of employees in his employ, and all employers shall produce such records for inspection by such investigator at any time upon production by him of his appointment signed by the Commission."

THE CHAIRMAN: That just says he shall show the number of employees. It does not say that they will inspect his books and all other things.

THE WITNESS: The purpose of that is just to check the accuracy of the list of the paid-up members of employees and to arrive at the percentage for the Registrar's certificate. It was not intended it should be a general audit or a cost accounting, or anything like that. It is only to check the employees, to enable the Registrar to give a certificate, and it is a check on the accuracy of the returns filed.

"19. Any breach of this Act or of the regulations made thereunder shall constitute an offence punishable by a fine of from \$100.00 to \$1,000.00 or imprisonment for any term of not less than one month and not more than six months, or both. A union shall be liable to a maximum fine of \$2,000.00. Such penalties shall be recoverable under the Summary Convictions Act."

You see, there are fines ranging from \$100.00 to \$1,000.00.

MR. HAGEY: Why the discrimination?

THE WITNESS: The reason I have the unions liable for a maximum fine of \$2,000.00 is that it was not altogether in animus, but you cannot put a union in jail. Unions have not any arms or any legs, although they have lots of members.

MR. HAGEY: You cannot put a corporation in jail, either.

THE WITNESS: No. In criminal Acts they double the fine on the corporation.

THE CHAIRMAN: You did not overlook that.

THE WITNESS: I did not overlook that, because I say if there was only a small fine for individuals, say a \$100.00 fine on a union they might break it with impunity because they could levy an assessment on their members. Thereby they could break it.

MR. MACKAY: Corporations may break an agreement or commit a breach and you only show them as being fined \$100 to \$1,000.00.

THE WITNESS: It should be "A union or a corporation shall be liable to a maximum fine." I agree with that.

"20. This Act shall be deemed to confer civil rights and remedies, in addition to such penalties."

That was because the Court of Appeal in two or three cases said that where there was a fine it did not concern civil rights.

Then we mention this—and I did not have it in the Act originally:

"21. Any three employees of one employer may apply in writing to the Commission for a temporary license valid for one month, solely for the purpose of organizing a union or association, and shall within ten days after such one-month period comply with all the requirements of this Act. The fee for such temporary license shall be \$1.00 and the application therefor shall contain such information as may be approved by the Registrar."

So, they cannot get licenses until they file a list of their paid-up members, and this is to give them a chance to organize and get the paid-up members.

"22. This Act may be cited as 'The Labour Unions Act'."

THE CHAIRMAN: I was wondering if you had Mr. Roebuck or Mr. Brewin draft that.

THE WITNESS: No. I know Mr. Brewin better than I know Mr. Roebuck, but they did not have anything to do with it. We thought we should, in making our representations to this Committee, go as far as we possibly could, along these lines having regard to the collective opinion of our members. That is what we did. We had a number of meetings on it, and things were added and things were taken out.

Those are the representations of the members of the Niagara Industrial Relations Institute.

If there are any questions I will be only too glad to answer them.

I wish to thank the Committee very much for listening to me patiently for such a period of time.

THE CHAIRMAN: I have just read it over once, but, does the Act not go even further than the brief?

THE WITNESS: Well, the fines are not mentioned in the brief, but you have to have some fines. I submit it carries out the general effect of the brief, that they must prove evidence of 51 per cent paid-up members and they must be licensed so as to control them.

THE CHAIRMAN: Do you not think that is a lot for interior management? If there are now any unions in which the officials are not behaving properly there is enough common sense and brains in the rank and file of the union members to get after the rogues and hoist them out after a while.

THE WITNESS: That is the civil liability end of it. Personally, I do not

stress that as much as the fact that they have to produce evidence of paid-up membership of 51 per cent.

That, plus—

THE CHAIRMAN: Even with that, they may only have a certain percentage of members who want a board, or an investigation, or a vote or something, and if they have a secret ballot instead of 10 or 15 per cent they may get 50 or 60 per cent. If the principle is sound, what is the difference if they do not have over 51 per cent, as you put it? If they do not have it they are going to lose it anyway, and the non-union men, if they are in the majority, will elect the representatives to talk with the management. Is that not so?

THE WITNESS: Yes. There is not a great deal of difference except they get a vote for representation purposes which shows 80 per cent, and maybe the truth is that they only have 25 per cent. We are being asked then to negotiate with a group which claims sole bargaining rights on behalf of all the employees, and in respect of which group only 25 per cent of our employees have enough confidence in it to join it and pay their monthly dues of \$1.00 or whatever it is.

THE CHAIRMAN: Will they not right that condition themselves, in a short time?

THE WITNESS: They may or they may not, but I am suggesting that you have to draw the line somewhere. We could not be asked this week to negotiate with a union of 20 per cent, next week with an A.F. of L. union of 30 per cent, and the week following with 30 per cent of our employees who are not in any union. Theoretically, you negotiate an agreement with a union, we will say, when in fact it is on behalf of all your employees whether or not they are members of a union. You cannot turn around and use non-union men differently from union men. The Committee may say 45, or 52, or 35, but we did have some discussion at our meetings that 51 per cent was fair. Of course, that is for the Committee to decide.

I think if you have a statutory commission, like the Real Estate Commission, by which the real estate agents are licensed, or the insurance agents, or the securities agents and brokers, and so on, you have a body which is there all the time with which you are dealing, and if something new comes up they can pass a regulation which might be necessary to expand and take care of it. To attempt to set out in an Act detail machinery which will take care of every possible kind of employer and every possible kind of employee group, you have a very difficult job. I would suggest this is a reasonable way to have that worked out, with regulation by an impartial commission, with two rights of appeal.

MR. LASKIN: I appreciate Mr. Keogh's frankness in saying he went as far as he could.

Q. Have you contemplated the imposition of any obligations on the employer?

A. Yes. I contemplate that there will be detail regulations passed by this Committee relating to collective bargaining.



Q. Would it not have been just as reasonable to leave your detail regulations to the unions?

A. Yes. That could have been done.

Q. We do not get the picture of your basis of the extent to which employers have to go.

A. In a nutshell we say that if we are given, through a certificate of the Registrar, or in some other matter, evidence that a union has 51% of our employees paid-up members of that union, we will sit down with them and negotiate collective agreements.

Q. You say that can be made compulsory under the Act?

A. Yes. I think perhaps that section should be made stronger, as the chairman points out. That can be made compulsory. It was the intention that it would be covered by detail regulations as mentioned in the first section.

Q. In drawing up this Act I do not know whether or not you took into account the experience of any other jurisdiction?

A. No. I just considered some of the cases here and in England under The Trades Union Act in England and under the Dominion Trades Union Act, which has been more or less defunct for years.

Q. You appreciate that under the English Trades Union Act trade unions have an immunity from suit?

A. Yes, from certain kinds of suit.

Q. Anything in connection with any labour dispute?

A. Yes. They cannot be sued for that.

Q. You are not prepared to go that far?

A. No. I say they should be made liable so they can be sued for breach of a collective agreement. If they call a strike contrary to their agreement before they have exhausted the arbitration and grievance procedure I say on behalf of our Institute we should be entitled to sue them for damages.

Q. Do you think that would contribute to industrial peace—dragging the matter through the courts?

A. Yes. They cannot be sued in court. They can sign an agreement with me to-morrow and next week break it with impunity and I have no legal redress except to put an advertisement in the newspapers, maybe, which I think is a very bad industrial relations policy.

Q. Would you object to a provision in a measure of this sort to prevent the employer in any way influencing organization?

A. No. It is in the Criminal Code and we agree with that. There will be no discrimination, intimidation, dismissals or anything of that kind for union activity. It is in the Criminal Code now.

THE CHAIRMAN: And you could not get a conviction to save your life.

MR. LASKIN: Yes. In Quebec——

THE CHAIRMAN: Have you had one?

MR. LASKIN: Yes.

THE CHAIRMAN: I mean under the Criminal Code.

MR. FURLONG: That completes the work for this afternoon, Mr. Chairman.

THE CHAIRMAN: Then, we will now adjourn until 10.30 to-morrow morning, gentlemen.

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Whereupon, on the direction of the chairman, the Committee adjourned at 4.10 p.m. until 10.30 a.m., Tuesday, March 16th, 1943.

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## TENTH SITTING

Parliament Buildings, Toronto,  
Tuesday, March 16, 1943 at 10.30 a.m.

Present: Messrs Clark, Chairman, Anderson, Gardhouse, Habel, Hagey, Newlands, Oliver, MacKay and Murray.

Mr. W. H. Furlong, K.C., Counsel to the Select Committee.

Mr. J. Finkelman, Adviser to the Committee.

Mr. J. B. Aylesworth, K.C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.

Mr. D. W. Lang, K.C., Counsel for the Canadian Manufacturers' Association (Ontario Division).

Mr. F. A. Brewin, Counsel for the United Steel Workers of America.

Mr. J. A. Sullivan, vice-president of the Trades and Labour Congress of Canada (A.F. of L.), and president of the Canadian Seamen's Union.

Mr. C. C. Calvin, representing the Otis-Fensom Elevator Company, Limited, Hamilton.

Mr. Norman Freed, representing the Ontario Communist Labour Total War Committee of Toronto.

Messrs. George Burt, Carl V. Coulson and John Christie, representing the United Automobile-Aircraft-Agricultural Implement Workers of America, U.A.W., C.I.O.

Mr. Thomas Sherwood, representing Local No. 251, W.A.W., Wallaceburg.

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### MORNING SESSION

THE CHAIRMAN: The Committee will please come to order.

What is the first order of business, Mr. Furlong?

MR. FURLONG: I have some letters and telegrams here, Mr. Chairman, in favour of the Bill, from:

Mr. J. E. Raftis, Leaside.

Mr. Arthur J. Reaume, Windsor.

South Waterloo Steel Workers' Council, Galt.

United Brotherhood of Carpenters and Joiners of America, Local No. 18.

THE CHAIRMAN: There are two other communications addressed to me which have just come in, one of them apparently quite interesting, from the National Union of Petroleum Workers, Local No. 1, Petrolia, signed by Mr. D. J. Matheson, secretary-treasurer, and the other from Mr. Charles S. Buck, secretary, London Labour Representation Committee.

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EXHIBIT No. 140: Letter dated March 13, 1943, from J. E. Raftis, 28 Parkhurst Drive, Leaside, Ontario, to the Honourable G. D. Conant, Prime Minister of Ontario:

"Dear Sir:

As a technician working in a very important War Industry I urge you to adopt a Bill giving the rights of Collective Bargaining, not only to factory workers, but also to technicians and engineers, etc., as well.

I also urge that this Bill pertain to groups of employees, as well as whole plants.

Yours truly,  
(Sgd.) J. E. Raftis."

EXHIBIT No. 141: C.N. telegram dated Windsor, March 15, 1493, from Arthur J. Reaume to the Chairman and Members of the Legislative Select Committee on Collective Bargaining:

"I would like to add my voice to those supporting a collective bargaining Bill for this province STOP In my opinion legislation of this type would



be very beneficial to both employee and employer STOP From my experience I know it is just what Windsor has needed for quite some time past.

Arthur J. Reaume."

EXHIBIT No. 142: C.N. telegram dated Galt, Ontario, March 15, 1943, from the South Waterloo Steel Workers' Council to the Hon. G. D. Conant:

"South Waterloo Steel Workers' Council representing twelve local unions Waterloo-South unanimously endorses the principle of compulsory collective bargaining STOP We urge you to do everything in your power to see that such type of legislation is passed in the interest of the working population of this district in view of the fact that you are our representative in the Ontario House we feel that you are the proper person to put forward our views before the House STOP Employers discrimination and intimidation tactics being used in this district now can only lead to a general upheaval in industry in this locality.

United Steel Workers of America Local Unions  
2859 2871, 2931, 2894, 2905, 2902, 2000, 2629,  
2890, 2899, 2904, 2903—26 Ainslie Street North."

EXHIBIT No. 143: Letter dated March 12, 1943, from Albert E. Edgington, representative and recording secretary of United Brotherhood of Carpenters and Joiners of America, Local No. 18 to the Chairman, Collective Bargaining Committee:

"UNITED BROTHERHOOD OF CARPENTERS AND JOINERS  
OF AMERICA—LOCAL NO. 18

March 12, 1943.

The Chairman,  
Collective Bargaining Committee,  
Parliament Buildings,  
Toronto, Ontario.

Dear Sir:

By instruction of the Executive Board of Local 18, I am writing a few words on one aspect of Company unions. As you will see by the copy of our agreement which is enclosed, our organization is able to negotiate an agreement with our employers.

Company Unions are usually employers organizations maintained to perpetuate sub-standard wages. The Steel Company of Canada in Hamilton refuses to issue passes to trade union representatives because, according to Mr. Martin, that is the company's policy. By the way, the Steel Company is the only firm in Hamilton to refuse us permission to visit our men on the job.

On the other hand, although there is a ceiling on wages, there is no floor on wages and the Steel Company pays its carpenters much lower than the agreement with our employers calls for, approximately one-third less.

There is danger in a situation where a worker's employment is in jeopardy unless he joins an employer dominated organization. In theory both employers and employees have equal representation, but our experience has taught us that in practice the employer vote is solid with added votes from pliable workers.

(Seal)

Sincerely yours,  
(Sgd.) Albert E. Edgington,  
Representative and Rec. Sec."

EXHIBIT No. 144: 1942 Basic Agreement between United Brotherhood of Carpenters and Joiners of America, Local No. 18 and the Hamilton Construction Association in effect May 1, 1941, until rescinded and also working conditions and rules.

EXHIBIT No. 145: Undated letter bearing receipt stamp "March 16, 1943" from D. J. Matheson, Secretary-treasurer, National Union of Petroleum Workers, Local No. 1, Petrolia, Ontario, to the Hon. Jas. Clark:

"NATIONAL UNION OF PETROLEUM WORKERS  
LOCAL No. 1

Hon. Jas. Clark,  
Parliament Bldgs.,  
Toronto, Ont.

Dear Sir:

I have the pleasure to submit for the consideration of your Special Committee on Collective Bargaining legislation, the enclosed brief setting forth their views on subject.

Yours very truly,  
(Sgd.) D. J. Matheson, Sec. Treas."

"NATIONAL UNION OF PETROLEUM WORKERS, LOCAL No. 1  
PETROLIA, ONTARIO

To the Chairman and Members,  
Collective Bargaining Legislative Committee,  
Parliament Buildings,  
Toronto, Canada.

Gentlemen:

Prior to the presentation of argument as to the necessity of Collective Bargaining Legislation, may we state that our Union formed in the refinery branch of Canadian Oil Co. Ltd. was organized in the belief that Collective Bargaining Legislation was to be enacted at a Special Session of the Legislature and the Employees concerned thought it wise to be fully organized to take advantage of such legislation. We had seen so many instances where Unions had been formed but in order to obtain recognition by their employers Strikes, Lock-outs, etc., had to be resorted to, none of which are desired by any normal human being. We timed our organization so

that in the event of our Employers refusing to bargain with us, Legislation would be at hand to prevent the necessity of using such unpleasanties as mentioned above.

Needless to say, the turn of events at the opening of the Special Session when no such legislation made its appearance, our members felt that we had been 'let down' and the reality of such a thing as Responsible Government was open to question. We had taken the utterances of responsible members of the Crown at their face value and not until the Legislature had convened was any indication given that an entirely different procedure was to be followed and we trust that confidence in our democratic form of government may be restored by the immediate enactment of this legislation so that the promises of those charged with the defining of the policies of their Department may be honoured.

To be called upon to present argument at this time in favour of collective bargaining legislation would appear like 'carrying coals to Newcastle'. The principle has already been endorsed by the three major political parties in the Dominion by the Federal Liberal Party in that the present Government of Canada has granted the right of employees in war industries under their control to so bargain. The Federal Progressive Conservative Party by their platform and the Provincial branch of the same party by the enunciations of their leader, while the C.C.F. are giving it their unconditional approval both in the Provincial and Federal field. It would appear also that at some time the present administration gave such legislation the green light else how could a former premier and the present Minister of Labour, on several occasions publicly announce the intended introduction of collective bargaining legislation.

As employees, we are not asking for any special favours which we would deny to any other group in the community. The manufacturers have their associations, the doctors, dentists, lawyers, farmers, merchants, etc., all have their individual unions—only they call them by another name—all for the purpose of jointly co-operating for the protection and promulgation of their common interests. That such rights should be denied employees at this stage in the world's history or even questioned is like an excursion back to the middle ages—the days of feudal lords and barons.

We are asking for the privilege of bargaining collectively that cut-throat practices in the labour market might be eliminated, and that the dignity of labour might be enhanced, that by joint co-operation, not alone in our own specific industry, but with those in every other industry we might create and maintain a greater sense and reality of security of position and with this, advance the economic status of the working man as a whole throughout the Dominion of Canada that our sons and daughters may be enabled to take full advantage of any and every opportunity that may arise which, in so many instances, is denied them now.

We, as free men, ask the right to join the union of our choice, and maintain that such a union should be free from all employer encumbrances and that such a union, as far as possible, should be on a national basis. Company unions are entirely too localized and there can never be developed through them that community of interest which is so essential if labour is



going to play its full part in the development of the national life of our Dominion. Company unions for this reason will merely accentuate disunity and sectionalism, and surely rather than add fuel to that fire already briskly burning, we in this banner province should give the lead in properly applied corrective measures.

We feel that the sudden spur given the formation of company unions since bargaining was mooted is nothing more than a deliberate attempt to throttle the formation of unions on a national basis, where the representatives of the workers in our varied industries from Halifax to Vancouver could gather in democratically constituted conventions and there formulate policies based on the national needs rather than from a narrow sectional viewpoint. In short company unions tend to foster selfishness, disunity and lack of proper co-ordination, whereas a union national in formation and under the sole control of those whom it seeks to serve will develop a true spirit of co-operation and unity together with a sense of responsibility that they are now an integral part of the machinery which controls our national well-being.

In the last analysis, gentlemen, is it not about time we shed our swaddling clothes in this the banner province of our Dominion and took the lead in the enactment of sane, fair and just labour legislation? To date we have been far behind many of our sister provinces and in comparison with some other members of our commonwealth family—well, there is just no comparison possible. Let us be men and cease this idiotic business of bandying innuendoes and subtle propaganda which can have but only one result, the further disintegration of our national unity, a situation which might, yes and will create a serious national crisis should there be further deterioration. Let us view the situation as Christian gentlemen and deal with it in that light and we are sure that a just and equitable solution shall be found.

National Union of Petroleum Workers,  
Local No. 1,  
Petrolia, Ontario.  
(Sgd.) D. J. Matheson,  
Secretary-treasurer."

EXHIBIT No. 146: Letter dated March 12, 1943, from Charles S. Buck, Secretary, London Labour Representation Committee, to Mr. J. Clark, Chairman, Special Legislative Committee:

"1081 Richmond Street,  
London, Ont., March 12, 1943.

Mr. J. Clarke, Chairman,  
Special Legislative Committee,  
Parliament Buildings,  
Toronto, Ont.

Dear Mr. Chairman:

On behalf of twenty-three labour organizations represented in the London Labour Representation Committee, I have been instructed by the executive committee of this body to urge the special legislative committee

to report favourably upon a measure of genuine collective bargaining for Ontario workers. This delegate body demands that such a Bill include the right of workers to organize freely. To make this possible, the L.L.R.C. emphasizes the need to ban yellow-dog contracts, the intimidation of workers and the setting up of company unions. Believing that those who would force unions to register and to become corporate bodies are seeking a way to restrict the rights of workers, this committee stresses its opposition to clauses of this kind.

Delegates of this body believe that no measure could be enacted in Canada that would more strongly encourage the thousands of industrial workers to drive harder toward victory over fascism.

I am,  
Yours respectfully,  
(Sgd.) Charles S. Buck,  
Secretary,  
London Labour Representation Committee."

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MR. FURLONG: Then, Mr. Chairman, I will call Mr. C. C. Calvin. I do not think it will be necessary to swear him.

MR. CALVIN: Mr. Chairman, I have here a copy of the submission I desire to read to the Committee.

Submission by Mr. C. C. Calvin on behalf of Otis-Fensom  
Elevator Company:

"OTIS-FENSOM ELEVATOR COMPANY LIMITED

Hamilton, Ontario,  
March 11th, 1943.

The Select Committee on  
Collective Bargaining,  
Ontario Legislative Assembly,  
Parliament Buildings,  
Queen's Park,  
Toronto, Ontario.

Mr. Chairman and Gentlemen:

On behalf of the Otis-Fensom Elevator Company Limited, I wish to go on record in refutation of certain statements made by Mr. C. S. Jackson of the United Electrical, Radio and Machine Workers of America, as recorded in the proceedings of your Committee for the afternoon session, Thursday, March 4th.

In practically every instance in which Mr. Jackson makes reference to this company his statements are either inaccurate or mistaken. For example, Mr. Jackson submitted that his union was instrumental in the establishment of labour-management production committees in this company, amongst

others. This is completely in error. Far from instigating our committee scheme, which we refer to as the Wartime Advisory and Production Plan, the U.E. Union, through their local affiliates, opposed its adoption and, on the basis of a purely preliminary announcement, protested its terms in a telegram addressed to the then Director of National Selective Service. As a result Mr. D. B. Chant, an official of National Selective Service and a recognized authority in the matter, came to Hamilton, examined the detailed provisions of our scheme then in final stages of development, and discussed the matter with representatives of the local U.E. Union. His finding was that the protest was groundless and that our Plan conformed to the objectives of National Selective Service, which exercises advisory powers on behalf of the government in this connection. The fact that we were authorized to describe our Plan as 'developed with the co-operation of National Selective Service' is conclusive proof of the latter point. The irrefutable fact is that our co-operative committee scheme, participated in by 72 freely elected employee representatives and an equal number of Management appointees, was originated solely on the initiative of our Management and developed in collaboration with a representative body of elected employees in addition to National Selective Service. This is not the only respect in which the local C.I.O. affiliate has claimed credit for accomplished or tentative measures which it has, in fact, merely grasped at the first opportunity as instruments of agitation amongst our employees. A copy of the Constitution and Procedure of our Wartime Advisory and Production Plan is submitted.

Mr. Jackson also states that at an election of the Otis-Fensom Recreation Club, an employees' organization which has been in existence for nearly 25 years, Company officials impressed 200 girls to vote on the question of forming an Industrial Relations Committee without knowledge as to what they were voting for. So far as the Company is implicated in this statement, by inference of the term 'Company officials', it is a complete fabrication. No Company official who has the necessary authority was instructed to nor did, in fact, so act. As to the further facts of the matter, I am informed that the responsible official of the employees' Recreation Club intends to submit to your Committee a statement conclusively disproving the allegation.

The statement is also made that this Company supplied the services of Mr. R. R. Evans, K.C., to a 'Company union'. The fact is that this Company has never, on any occasion, retained or supplied the services of Mr. Evans for any purpose whatsoever, a statement which may be readily corroborated by reference to Mr. Evans.

In reply to a question, Mr. Jackson replied, 'We have a majority in the Otis-Fensom Company.' No vestige of evidence exists to support this claim. It was made in equally unqualified terms when the U.E. Union first communicated officially with this Company nearly two years ago. At that time it was challenged as being patently absurd, and all the subsequent evidence serves to confirm that the claim was and is entirely irresponsible and without foundation. The most recent confirmation of this is the fact that at an intensively advertised meeting of the local U.E. Union, called on February 14th last, for the important purposes of discussing application for a Federal Board of Conciliation and nominating and electing an executive



board, only 35 of our current 4,905 works' employees were sufficiently interested to attend.

This Company is frequently referred or alluded to in a general way, collectively and with a number of others, throughout Mr. Jackson's representations. For this reason it may be in order and of service to the Committee to submit some observations upon the broader import of Mr. Jackson's evidence.

Mr. Jackson places the total employment in the Canadian plants in which his union is conducting organizing campaigns at over 60,000. He further indicates that the present membership of his union in Canada is 15,000, but without any indication as to whether or not this is membership in good standing. Thus his union represents, upon his own optimum estimate, no more than 25 per cent of the employees of those plants in which his union is active. As a proportion of the *total* Canadian employees over which his union would claim jurisdiction, this representation must naturally be very much less, and may not exceed 5 per cent. It should be noted that some individual plants now have employment rolls approaching or exceeding the total Canadian membership of the U.E. Union.

Later in his submission Mr. Jackson expressed the opinion that where 25 per cent or 30 per cent of the employees of a plant indicate a desire to belong to a union, a vote should be taken in the plant by that union. This peculiar and unprecedented suggestion can be better understood when it is recalled that the U.E. claims 25 per cent representation in their field, and when the conditions and methods of voting advocated and demanded by the C.I.O. are taken into account. Mr. Jackson flatly disclaims the right of any independent or 'company' unions or associations of any kind to be represented on the ballot, to the extent that he advocates that they be 'outlawed'. He further considers it improper that workers should be required to choose between any two unions. This is the form of reasoning that has resulted in the development and use, for the purposes of official labour votes, of a form of ballot that can only be described as 'Hitlerian'. This ballot, setting forth one question and one name, has the specious appearance of presenting an alternative in so far as it permits the answers, 'Yes' or 'No', but it does in fact present no real alternative, and is actually calculated and premeditated to restrict the free choice of the voter and bias the result of the vote. A reproduction of an advertisement illustrating the form of ballot proposed by the local U.E. Union for submission to the employees of this Company, and a facsimile of the plebiscite ballot used by Hitler to subject Austria are attached. The similarity of form and intent of these ballots is striking. The inference is clear in each case; 'Hitler or Chaos'; 'The C.I.O. or Nothing'. Ballots of this insidious character are designed, not to give effect to the democratic freedoms of choice and opinion implicit in the process of secret voting, but are framed to frustrate and pervert them.

The full implications of Mr. Jackson's representations, which are entirely in accord with the stated principles of the C.I.O., are that he advocates the bringing in of collective bargaining legislation that is predicated, in the first instance, on the views and purposes of a minority of less

than 25%. This legislation, by the enforced exclusion of all other labour interests and by the establishment of procedures which are entirely without precedent in any other sphere of legislation, would constantly and deviously operate to the advantage of that minority. The proposed 'outlawing' of all forms of independent association and the demand for exclusive bargaining rights on the basis of a 51% majority are proofs of this intent.

The Management of this Company is not opposed to collective bargaining nor to the introduction of labour legislation that will hold a fair balance between the various interests and preserve real freedom of choice, for both individuals and groups. The employee relations procedure established by this Company recognizes collective bargaining by admitting group representation embracing outside interests. At present time the local U.E. Union is availing itself of this procedure, a copy of which is submitted, in a matter now being put to arbitration. But from actual knowledge and experience of labour relations it is opposed to any legislation which will convey sole and exclusive rights to any particular group or which will permit the usurpation of authority by militant minorities through biased and perverted procedure under the guise of democratic processes. A booklet entitled 'A Statement for the Information of Employees' which outlined the labour relations policy and states the official attitude of this Company is submitted.

Labour, in the collective sense, is not a segregated or differentiated section of the community. It is composed of human beings, having all the dynamic diversities and disparities common to the human race. It cannot be legislated into a rigid C.I.O. or any other specialized pattern. Any legislation which ignores this is bound to fail. Independent employees' unions and associations are not creations of a few employers designed to thwart one particular group or obstruct democratic evaluation. They are a vital expression of a natural human desire to preserve independence of thought and action, or, in a great number of cases, a simple wish to be left alone.

The conception of Canada's labour relations problem as consisting of 80% of the working population suppressed and tyrannized by employers, while the remaining 20% are exclusively dedicated to the causes of freedom and democracy, is an absurd distortion that would be useless as a basis for any form of legislation.

The foregoing is respectfully submitted.

(Sgd.) W. D. Black,  
President."

EXHIBIT No. 147: Booklet marked "Constitution and Procedure—Wartime Advisory and Production Plan—Otis-Fensom Elevator Company, Limited, Hamilton, Canada."

EXHIBIT No. 148: Booklet marked "A Statement for the Information of Employees—Otis-Fensom Elevator Company, Limited, Hamilton, Ontario, Canada."

EXHIBIT No. 149: Document filed by Mr. C. C. Calvin, dated December 1, 1942, and marked "Employee Relations—Adjustment Procedure":

"December 1st, 1942.

#### EMPLOYEE RELATIONS ADJUSTMENT PROCEDURE

Employees are legally free to join any Union or Association of their choice, and are, by law, protected against coercion or discrimination by employers or fellow employees in respect to such affiliations.

Conforming to this, the following procedure will apply in the adjustment of individual or group employee problems:

Any employee or group of employees believing that cause for complaint exists should first refer the matter to their Department foreman, either personally or through a fellow employee of their choice working in the same Department. Failing settlement, the matter may be referred to the Superintendent, personally or through a Committee of three fellow employees.

Appeals from decisions of the Superintendent may be referred to the Works Manager, and, failing settlement, to the President.

Appeals to the Works Manager or President must be submitted in writing not later than three days after the decision of the Superintendent has been rendered.

In respect to appeals to the President, the employee or group of employees concerned may refer the matter to a Committee of three, of his or their choice, which Committee may include one person who is not an employee of the Plant.

Failing settlement at this stage, the Company will agree to accept reference of the matter to a Board of Arbitration of three members, one to be appointed by the employee or group of employees concerned, one to be appointed by the Management, and the third member by agreement of the first two members. The third member shall be Chairman and shall be a person having judicial experience as a Judge or Presiding Officer in a Court of Justice in Canada.

Officials of the Company have been instructed to render decisions without delay on all complaints referred to them.

This Notice supersedes all previous Notices concerning Employee Relations Adjustment Procedure."

EXHIBIT No. 150: Photostatic copy of document in German language with following translation appended:

"Do you approve of the unification of Austria with Germany as already accomplished on March 13, 1938, and do you vote for the list of our Fuehrer Adolph Hitler. Yes. No."



EXHIBIT No. 151: Dodger headed: "More Otis-Fensom Guns for General A. McNaughton! U.E. Local 515's Slogan" and marked at the foot: "United Electrical, Radio and Machine Workers of America, C.I.O., C.C.L., Hamilton."

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MR. FURLONG: Mr. Chairman, the next gentleman to be heard is Mr. Norman Freed, representing the Ontario Communist-Labour Total War Committee of Toronto.

NORMAN FREED, sworn. Examined by MR. FURLONG:

Q. What office do you hold in the Ontario Communist-Labour Total War Committee of Toronto?

A. I am the provincial secretary.

Q. Is this organization incorporated?

A. No.

Q. It is just a voluntary committee or association?

A. It is a voluntary committee.

Q. Composed of whom?

A. I was going to state that in my brief, sir.

Mr. Chairman and gentlemen of the Committee, this delegation is composed of the following persons:

Mr. T. C. Sims, Director of Production and Promotion;

Alderman Stewart Smith;

Alderman J. B. Salsberg, Dominion Director of Production and Promotion.

Harry Bell, an employee of the Toronto Shipyards.

Fred Collins, an employee at Inglis (Bren Gun Department).

William Kashtan, Organizational Director.

Beatrice Ferneyhough, Publicity and Educational Director.

It is our desire that Mr. T. C. Sims, our Director of Production and Promotion, should present the brief on our behalf, if that meets with your approval.

MR. HABEL: Q. When was that committee formed?

A. A little over a year ago; I think it was during the period of the federal plebiscite.

Q. In 1942?

A. Yes.

MR. FURLONG: Q. Have you any unions or associations affiliated with this committee?

A. No.

Q. What is your total membership?

A. We have not got a membership. These are committees that function in practically every city in the country, composed of men and women who are primarily concerned with assisting the war effort at the present time.

Q. How are you supported?

A. We are supported by people who provide us with funds voluntarily, people similarly minded to ourselves, but there is no membership. I suppose you gentlemen know that the Communist Party of Canada is an illegal organization.

THE CHAIRMAN: Q. Is it still illegal?

A. The Communist Party of Canada is still illegal. The Ontario Communist Labour Total War Committee is a legal organization composed primarily, perhaps, of former members of the Communist Party of Canada.

MR. HABEL: Q. Since what date have they changed their minds about their war effort?

A. Since the war has changed.

Q. What do you mean by "since the war has changed"?

A. I mean since its character has changed.

Q. What do you mean by that?

A. I can go into this, if you like.

MR. MACKAY: Q. Just answer the questions?

A. I should say the character of the war has changed, in our opinion, to a just war from an imperialist war.

Q. When did that change come, in the opinion of your group?

A. It was a process that culminated some time in June, 1941.

Q. When Russia came in?

A. Yes, that was the culminating point; but changes were taking place prior to that.

MR. HABEL: Q. And what was the work of your committee before that time?

A. I could not tell you.

Q. You could not say?

A. No.

Q. I think you know all right.

A. I could not tell you.

Q. Are you aware that in 1941 the North Saskatchewan Committee, Communist Party of Canada, issued a handbill reading as follows:

"THUMBS DOWN on the Government's extortion of the meagre earnings of the people! CITIZENS OF SASKATOON! The present 'War Savings' campaign is nothing more than another attempt to extort from you, by means of silk-glove intimidation, earnings (the government calls them 'savings') which are already hardly sufficient to maintain a healthy and decent living for you and your family.

"IF YOU ARE A HOUSEWIFE, you will be canvassed for 'savings' and given a red, white and blue card to display in your window as proud token of the fact that your children will have to go without the necessary milk, eggs and meat, and thus their disease-resisting powers will be lowered.

EQUALITY OF SACRIFICE they call it. But surely, Prime Minister King cannot mean that the munitions makers and war profiteers are making sacrifices equal to those the people are called upon to make.

The 'TIGHTEN YOUR BELTS' policy of the King Government does not apply to these profiteers and grafters who plunged our country into war for the sake of greater profits. Behold their PAY-TRIOTISM, while the Canadian people are asked to pay for the war in HUNGER, POVERTY AND DEATH!—

A VOICE (from the audience): May I have a word?

MR. HABEL: No. You are not a member of this Committee.

ANOTHER VOICE (from the audience): May I ask from what book you are quoting?

MR. HABEL:

THUMBS DOWN on the out-and-out robbery of the small earnings of the people. THE PROFITEERS AND GRAFTERS WANTED THIS WAR. LET THEM PAY FOR IT!"



Are you aware of that?

A. No. What book is that?

Q. I have read from the "Twilight of Liberty."

A. Oh, I am not surprised at that!

THE CHAIRMAN: I understood that we were gathered here for the purpose of listening to arguments pro and con on the wisdom of collective bargaining. If we were to get into an argument as to whether or not the Communist Party in Canada should be a legal or illegal organization I could put up some good arguments one way or the other, but I do not think this committee should get into an uproar as to whether Great Britain saved Russia or Russia saved Great Britain at certain times, or whether the United States is saving us all. In my opinion it is going to take the whole of the united power of the United Nations to clean out these enemies of society in Germany (hear, hear). Many people had violent views about communism before Russia got into the war, and it is a historical fact that Stalin and the Russian Government tried to get the French Government, not represented by the ones in office now, to join in a collective security treaty, but they were unable to do so. Lots of things can be said on either side. I hope this meeting will not turn into a communist or any other sort of gathering. If these gentlemen have any representations to make regarding collective bargaining, I think they are just as free to come here and make them as anybody else, and I, for one, am willing to listen to them without getting into any argument about Nazism, Fascism, Democracy, Totalitarianism, or any other "ism."

MR. HABEL: The point I am trying to make is that I think it would be a good thing that labour should be aware of the set-up of this Committee, and what was their purpose. I think labour should be made aware of the danger of the thing. That is why I mentioned it.

MR. NORMAN FREED: With your permission, Mr. Chairman, I will now call Mr. Sims.

Witness withdrew.

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THOMAS CHARLES SIMS, sworn.

MR. FURLONG: Q. Proceed, please.

A. Thank you.

Submission of the Ontario Communist-Labour Total War Committee, presented by Mr. T. C. Sims:

"Mr. Chairman and Members:

This delegation represents the Communist-Labour Total War Committee movement of Ontario. The majority of our members and supporters

are working men and women who are labouring hard in the great war plants, and upon the farms to maintain and increase production to win the war. Our movement warmly greets the establishment of this Select Committee of the Ontario Legislature, and is keenly aware of the fact that your Committee has the responsibility and opportunity to contribute a great deal towards the strengthening of our Ontario war effort. It is clear that in order to win this war every ounce of our war potential in factory and on the farms must be organized through the democratic process. We fervently hope, and expect that your Select Committee will recommend that the Legislature enact a Collective Bargaining Act which will prove to be one of the strongest pillars of Ontario's war effort and democracy in the work before us to prosecute the war to victory, and in the days to follow when the common task will be to build a stronger, more prosperous Ontario.

The Communist movement, the left-wing of the Labour Movement, holds very clear and categorical positions upon the basic questions of the war. We are convinced that to win this war there must be the most complete collaboration of all social classes for the object of making the system as it is—the democratic capitalist system—work harder and more efficiently for total war and victory. We stand for unity of workers and farmers and capitalists, for unity of all political parties in Ontario to win the war.

The enactment of the Ontario Labour Bill will greatly help to facilitate such unity, for the utmost unity is needed now on the war production front—between the workers and the employers, on the industrial and the farm fronts—to make sure that in this, the decisive year of the war, that our Province will keep production going uninterruptedly.

The Communists are opposed to everything which hinders or interrupts war production. We are against everything that leads to strikes and unrest in our factories. We are against those evils in our manpower situation which have resulted in the serious shortage of manpower on the farms of Ontario. We are opposed to the sub-standard wages which hinder all-out production, as well as to the low prices paid to our farmers by monopolies, which likewise obstruct production.

The alternative to disunity, unrest and lack of effort can only be democratic, total war unity, planning and action to make Canadian democracy work better and harder to win the war. The position we take is that the working class and the farmers, in a United and organized way must bring their efforts to bear, to assist the Government and the employers to make Canada's political and economic resources work better and harder for total war.

The establishment of your Select Committee, and the pledges of the Ontario Government to introduce a Labour Bill, are welcome signs that Ontario democracy is advancing to solve one of the most important questions of the war—the question of stable labour-employer relations which is the decisive question of war production.

We therefore urge this Select Committee to recommend that a Labour Bill be introduced and enacted at this present session of the Legislature.

Our suggestions in regard to the kind of Labour Bill needed at the present time can be enumerated as follows:

1. Workers to have the right to join the union of their free choice.
2. It shall be mandatory for employers to bargain collectively with the union representing the majority of their employees.
3. Provision for the taking of ballot of employees to determine the collective bargaining agency, in cases where employer disputes claim of union representing majority, or where employer denies that the Union represents a majority.
4. Provision for recognition of bona-fide union representing majority of employees upon craft, unit or industrial basis.
5. Prohibition of employers, or their agents, organizing, subsidizing, or in any way assisting in the organizing of 'company unions' or associations.
6. Prohibition of 'yellow-dog' contracts and discriminatory practices designed to coerce workers or to cause them to refrain from joining bona-fide union by threats or discharge."

THE CHAIRMAN: Q. In paragraph 5 you say:

"5. Prohibition of employers, or their agents, organizing, subsidizing, or in any way assisting in the organizing of 'company unions' or associations." Would you say that the company should be prohibited from putting out propaganda or holding meetings? I do not suggest that they should be allowed to subsidize, bribe or intimidate, but would you go so far as to say that they should not be allowed to put their side of the argument forward, and publish the reasons why a company union limited to the men in their own plant is not a far better organization from which the employees would get far more benefits than they would by joining a national or international union?

A. They do exactly this.

Q. What do you mean by "this"?

A. They agitate, organize and spend money to organize company unions. I think that just as it cannot be agreed to-day that workers or labour unions should interfere with production and business which is the function of management,—and there is no suggestion in any of the labour movements that labour wants to take over industry or interfere with management of industry—in the same way the employers should keep their hands off the trade union movement.

Q. That is not quite my point?

A. I could answer that in another way and state very definitely that unless the employers, and particularly the big employers, cease trying to prevent the growth of trade unionism in the way that, for example, the Otis-Fensom management is pulling for this company union, or in the way that the Steel Company



of Canada is organized, or the Inco Corporation, which are concrete examples, there will be difficulty.

Q. In those cases do you allege that they are using intimidation and bribery by offering higher wages to certain key employees?

A. I will come a little later to some of these questions, sir, but to put it very briefly, when management interferes by propaganda leaflets, meetings, or whatever you may assume as an action on their part, to convince the workers that an inside union, a company union or so-called independent union is the best for them, I state very definitely that you cannot give me a case of that kind to-day where it is not against the legitimate trade union. This law should prohibit that practice, and if it does it will help a great deal to bring employers and-workers together.

Q. I was thinking specifically of the Ford Company of Canada, because they had two weeks during which Mr. Campbell and some of the other fellows got out at big meetings of the men and advanced certain arguments suggesting that it might be better to have a union of the men in the Ford plant, but the C.I.O. were allowed to put forth their arguments as to why the men would be better off by joining the C.I.O., and they took an independent vote with the result that the C.I.O. won out 60 to 40, whereupon the Ford Company said: "All right, we will make an agreement with you." What is wrong with that procedure?

A. I think it would have been better for the Ford management not to have done that, and to have left the question alone.

Q. It turned out all right?

A. It was a proof of the fact that workers' union in the Ford plant at Windsor had grown pretty strong.

Q. But suppose the vote had gone 60 for the company union and 40 for the C.I.O., what then?

A. I do not think, Mr. Chairman, that these questions can be handled in an abstract way.

Q. That is not an abstract case but a concrete case?

A. I would give you the example of the Sawyer-Massey plant in Hamilton, where just about two or three months ago there was a vote taken and the union won a majority—

Q. A proper vote?

A. Yes, under government supervision. What is the situation there now?

Q. I do not know.

A. The negotiations are stalled, and there is nothing legally on the statute

books of Ontario to enable the government to help the workers and the employers to get to an agreement.

Q. Although the union won, the management refused to meet them?

A. Yes.

Q. But do you say that the employer should not be allowed to put forth his side of the argument free from domination, bribery, threatening of dismissals and so on?

A. Well.

Q. This was a fair, open political argument between the management and the C.I.O., and the C.I.O. won out and the management said: "That is all right with us," and they settled down in peace and harmony.

A. I think it is the general opinion of the labour movement that it would be best if the employers kept their hands and their influence out of the trade union movement.

Q. There was no influence used there; there was merely an argument advanced, and the employees preferred the argument of the C.I.O.; and when the C.I.O. won out the management said: "That is all right with us," and made an agreement. What is wrong with that?

(No response.)

MR. FURLONG: Q. It is a question of free speech, is it not?

A. We have the unfortunate situation in the labour movement to-day that there is a division among them, and in many industries there is far too much argument between the A.F. of L. and the C.I.O.

THE CHAIRMAN: That will work out in the end, will it not?

A. We hope it will, but when the situation is further complicated by employers lending a hand to the arguments of illegitimate unions—

Q. Oh, that is not the case I have cited. I am as opposed to that as you are, and I think everybody on the Committee is opposed to it?

A. All right. I am not opposed to employers who understand the functions of trade unions to-day supporting trade unionism. I think one of the finest examples of such men was Mr. Elliott M. Little, who was a big employer of labour and a government servant and who supported the labour movement.

Q. Proceed with your brief, please?

A. Yes:

"7. Establishment of a Provincial Labour Relations Board, which shall

include adequate representatives of the labour movement, and empowered to administer and interpret the Labour Bill, and to set up machinery adequate to expeditiously and efficiently take up and settle all proposals, claims and grievances of labour and employers. We would suggest that when an application is made for a ballot to determine the bargaining agency that a ruling be rendered within 7 days, that following the decision of the ballot that the union be required to submit its proposed collective agreement within 7 days, and that it shall be required that negotiations on such collective agreement be entered into forthwith and completed within 14 days,"—

which would mean that most cases could be settled in a month instead of dragging on, in some cases, for two years.

"8. That strict penalties, including cancellation of government contracts, graduated fines and imprisonment be included in the Bill for breaches by the employers of the provisions of the Bill.

9. No incorporation of labour unions. Labour unions are non-profit-making, voluntary organizations and do not qualify for incorporation in any sense as do industrial corporations, monopolies and other profit-making organizations."

We suggest that the enactment of a satisfactory Ontario Labour Bill which will define the workers' rights of collective bargaining, the responsibilities of labour, the employers and government, and establish machinery to guarantee that the law will operate efficiently is of paramount importance at the present time because of the following reasons:

"1. Canada and her United Nations' allies are gearing their military, naval, air and economic forces for the invasions of Europe, for the concerted offensive against Hitler Germany upon two or more land fronts in Europe. Our Canadian Army Overseas and our Navy and Air Force will fulfil a very important task in this impending offensive. Our Armed Forces are ready, as Lieut.-General McNaughton has assured us. The historic decisions of the Casablanca Unconditional Surrender Conference for the invasions of Europe, taken into consideration with the revolts in Occupied France and the rumblings in enslaved Europe, the great victories of the Red Army, the stepped-up air bombings of Germany, and the ferocious counter-attacks of the German war machine, all speak to us in urgent terms of the imperative need to act determinedly here in Ontario to make certain that our full strength will be organized for the impending attack upon Hitler Germany and Italy.

2. Ontario is the hub of Canada's war effort. Ontario produces 60 per cent of the nation's industrial war output, has given 38 per cent of the men and women in our Armed Forces, provides 50 per cent of the national revenue, and represents 35 per cent of our national population. To keep faith with our compatriots who will bear the brunt of the fighting, dying and sacrificing on the battlefronts overseas, we must make certain that everything is done here in Ontario to guarantee the maximum reinforcements and supplies of weapons and war supplies to our fighting forces.



3. The enactment and efficient operation of an Ontario Labour Bill is of paramount importance to-day in order to maintain and accelerate war production, to enable the labour unions to contribute their entire strength"—

and I emphasize the words "their entire strength"—

"to the task of winning the war, and to provide a firmer foundation for total-war co-operation and collaboration between labour, the employers and Government in the common task of winning the war.

4. The enactment and efficient operation of an Ontario Labour Bill is of great importance too in connection with the post-war questions which are the subject of great public discussion at the present time. Every democratic forward step taken to-day by Government and the people in the solution of the decisive war questions will also prove to be a contribution to the preparations for the winning of the peace when the labour movement, the farmers, the employers and Government will be called upon to co-operate and make democracy work unitedly to transform our gigantic war industrial production into peace-time production and to provide work and social security for all Canadians now in the Armed Forces and the hundreds of thousands now in war production."

It is either that, gentlemen, or a sharpening of the class struggle in the country. It is either that or the return to strikes and rifts between the employers and the workers, and labour does not want that.

"The war is far from won yet. The enemies we must crush are still powerful. They are fighting with desperate ferocity, and will fight with insane, destructive abandon and vehemence before they are finished off. Hitler and Goebbels have sworn: if fascism is to be beaten they will try to drag the world down with them.

"However, this war, upon which depends the very national existence of Canada and the future of our people, can be won more quickly than many believe, provided the Casablanca decisions for invasions of Europe are carried out soon. This will shorten the war, save millions of precious human lives, and open the way for peaceful collaboration of the United Nations to build a new and happier world wherein the peoples can live in peace and go forward to democratic prosperity.

The people of Ontario, in their great majority understand the issues of the day, and time and time again have shown that they want total-war policies to win the war. This is shown again by the province-wide interest and activity supporting the principle of Collective Bargaining. Your Select Committee has all the evidence of this before it: in the statements and submissions of the Trades and Labour Congress of Canada and the Canadian Congress of Labour and their affiliated unions, in the resolutions of the municipal governments of Toronto, Hamilton, Windsor, Fort William, Port Arthur, Sarnia, Oshawa, Welland, St. Catharines and many other industrial centres. The political movements of our province, Liberal, Progressive-Conservative, C.C.F. and Communist, in their platforms and through their outstanding public spokesmen, have with unanimity pledged

support for an Ontario Labour Bill which guarantees genuine collective bargaining, recognition of bona-fide labour unions, and better labour-management-government relationships as essential means to maintain uninterrupted war production and improve total-war morale in our province.

Before your Select Committee concludes its public sessions and gets down to drafting your recommendations to the Government and Legislature, we feel sure that the record will incontrovertibly show that the overwhelming majority of Ontario citizens, workers, employers, farmers and middle-classes are in favour of the speediest enactment of a satisfactory Ontario Labour<sup>a</sup> Bill. The Communists unreservedly take their stand with the democracy of Ontario on this great question.

The Communist movement, in every respect is actively working to help win the war. Our movement is guided by the advice of our comrade Tim Buck, the national leader of our movement, who emphasizes:

'This war, for us in Canada, is a war for the survival of Canada as a nation—free to determine its own destiny through the exercise of the will of the majority of its people. Communists always predicate their policies and proposals on the interests and will of the majority of the people.

It is clear at this time of world crisis that all classes, all creeds, all parties have the most pressing duty of mitigating and subordinating all their differences to achieve one great military task: the defeat in battle of the forces of world domination represented by Hitlerite imperialism and its satellites.'—Canada in the Coming Offensive, by Tim Buck, P. 5.

Minister of Labour, Peter Heenan, has pointed out that during 1942 in Ontario there were 83 strikes involving 171,472 workers and that 71,442 working days were lost. Already this year there have been strikes in the automotive and steel industries of our province. In practically every industry and industrial centre disturbing, and in some cases, very grave situations have developed because of the absence of labour legislation which would provide the legal basis and procedure for the taking up and swift settlement of labour-management relationships.

In general, it must be admitted that the workers of Ontario, led and influenced by the organized labour movement, have met the tests and demands of the war in a manner which testifies to their patriotism, patience and perseverance. None other than Mr. H. J. Carmichael, Co-ordinator of Production of the Federal Department of Munitions and Supply has said:

'I think that Canadian Labour is entitled to a great tribute from all of us. We (speaking of the manufacturers) see only our own problems. When you figure the regulations, the freezing of wages, the freezing in their jobs, and many other things that they have been forced to accept. We talk about the freezing of salaries and about income taxes. I frankly believe that the sacrifices that our workers have been asked to make are far beyond those that we have been

asked to make as leading manufacturers. This puts a desperate responsibility up to us to see that in all our relationships we enter into a new high sphere of thinking, get together, and get to know them.'—Industrial Canada official organ of the C.M.A. Nov. 1942.

The building up of our modern, well-armed fighting services and the output of planes, ships, tanks, steel, automotive vehicles, artillery, small arms, munitions, foodstuffs and supplies—70 per cent of which goes to our Allies—and which in its aggregate approaches the amount of our national income of pre-war years—would have been impossible without the self-sacrificing work of Canadian labour.

The record proves, as in the auto, aircraft, small arms, railroads, needle trades, shipyards and electrical-radio industries of our province—that collective bargaining and strong labour unions bring greater war production and greater team-work between labour and management. This benefits the nation, labour and employers. Labour does not demand extravagant, high wages or utopian conditions. The adjustment of sub-standard wages will aid the war effort, Mr. Carmichael's statement quoted above, taken into account with the well-known facts regarding the increased efficiency and output of the workers and the rising costs of living prove that organized labour's case is sound, reasonable and patriotic. Full co-operation is needed to unite the efforts of workers, farmers, the employers and Government.

This record is all the more remarkable when it is known that our Federal labour laws and policies are either hopelessly antiquated or entirely unsatisfactory. For example, P.C. 2865 which purports to define Federal labour policy solemnly declares:

'That employees should be free to organize in trade unions, free from any control by employers or their agents.

That employees, through the officers of their trade union or through other representatives chosen by them, should be free to negotiate with employers or the representatives of employers' associations concerning rates of pay, hours of labour and other working conditions with a view to the conclusion of a collective agreement.'

But these solemn, and high-sounding declarations of P.C. 2865 do not amount to more than pious platitudes. The fact is that the Federal laws do not define or protect the rights of labour to collective bargaining. The fact is that present Federal labour policy results in the snarling up in miles of red-tape of the grievances and just claims of the labour unions."

MR. HABEL: Mr. Chairman, may I bring to your attention the remark that is made about P.C. 2685. I do not think it is fair to make such a remark about a war measure. I do not think we should swallow things like that in this Committee without saying a word.

THE CHAIRMAN: To me it sounded perfectly sensible. I do not put it on any higher plane than "pious platitudes." What else is it? It is not legislation.



MR. HABEL: It is a war measure.

MR. HAGEY: Oh, no.

MR. FURLONG: It is a declaration of policy.

WITNESS: That is the opinion of our movement, and I think it is shared by the majority of the Canadian public.

THE CHAIRMAN: It is exactly what it says it is. The Cabinet framed it and put it out as their attitude and view as to what relations should govern. I do not care whether you call it a pious platitude or a measure or a hope.

MR. HAGEY: A pious hope!

MR. FURLONG: Q. You may amend that to read "pious hope."

MR. HABEL: They said things like that before June, 1941.

MR. SALSBERG: So have you, my friend.

WITNESS: I think we should follow Churchill's advice—

MR. HABEL: It would be better for you!

WITNESS: Not at all; not at all better for us than for you, because we who fought against Munich, which brought about this war and placed the whole war in peril, have more—

MR. HABEL: Oh, oh.

MR. SALSBERG: That would be a good subject to discuss in Cochrane, Mr. Habel.

MR. HABEL: You were chased out of there before.

MR. SALSBERG: We can arrange it any time.

THE CHAIRMAN: Gentlemen, this reporter has only one writing hand.

MR. SALSBERG: I suppose the chasing out was democratically done?

WITNESS:—

"Federal law regarding the rights of workers to form free labour unions and to bargain collectively with their employers is entirely unsatisfactory. This state of affairs has placed unnecessary stresses and strains upon the war effort of Ontario and Canada. Furthermore, although the British North America Act specifically provides that the Provinces have jurisdiction in regard to wages, hours of work and working conditions—the basic questions of collective bargaining and Labour-employer relationships—the fact is that Ontario, our principal industrial province is without a law defining these questions.

It is our opinion that Ontario can, and should set an example on how Canadian democracy can work to the Federal Government and the nation by enacting a satisfactory Labour Bill which will greatly aid in stabilizing labour-management relations and thereby strengthen the entire total war struggle.

The workers, employers and Government of Ontario, the hub of Canada's industrial war effort, are in a position wherein, although the war has brought many new problems on to the agenda in relation to labour policy and labour-employer relations, the decisive questions of relations between Ontario employers, labour and Government are being dealt with on the basis of the antiquated Industrial disputes Investigation Act of 1907, the toothless P.C. 2685—"

which, because of its demand for a strike vote, places labour in a stupid position which does not conform in any way with labour's wishes on the question—

"or arbitrary and sometimes contradictory rulings of the Federal Department of Labour, while the Provincial Government itself, as Labour Minister Heenan recently said in connection with the Wallaceburg strike, 'is like a soldier without a sword.'—and soldiers to-day, gentlemen, need more than swords.

Plainly, in such a situation, it is a wonder that our industrial effort has gone ahead so remarkably. The Ontario workers in general, and the organized labour movement in particular, we maintain, are justly entitled to some share of the credit for the unprecedented industrial production and records achieved in Ontario during this war.

The Ontario workers are choosing to join bona-fide labour unions in greater numbers than ever before. This is a sure sign of the upbuilding of democracy, for it is our opinion that the organization of the workers in their labour unions contributes greatly to a disciplined, conscious and united effort on the part of the working class to help win the war, and increase labour's role in the national war effort—which is not possible when the workers are not organized in bona-fide labour unions. It is our opinion that one of the most important levers of democracy to build national unity for the winning of the war is the free trade union movement. Therefore, we welcome every step forward in the building and unification of the labour unions, and give every possible assistance we can to help this.

It strengthens Ontario's war effort and our national democratic fibre when the auto, steel, metal-mining, munitions, shipyards, electrical, meat-packing, transport and aircraft workers are organized. It is precisely because the workers in such industries have organized, or are organizing in genuine labour unions that our industrial war effort is going ahead so favourably. And, it is all to the good, and easily understandable that one of the main features of the recent growth of labour unionism is that the workers in the basic industries and the largest plants have organized, or are organizing. This rising tide of democracy must be welcomed and assisted by all who want to win the war in the shortest space of time.

While Premier Conant and Labour Minister Heenan, and many other prominent figures of the Ontario Liberal and Progressive-Conservative Party (the only two parties represented in our Legislature) have all pledged their support to a Labour Bill which will define and protect the rights of the workers to free trade union organization and collective bargaining, it must also be noticed that a powerful lobby has arisen to block the introduction and enactment of the promised Labour Bill."

THE CHAIRMAN: Q. What is that lobby? I have not seen it.

A. I hope that that the results of the Select Committee will prove that I am wrong.

Q. Do you mean the representations of the people who have appeared before us?

(No response.)

MR. HABEL: They have the right to do so.

WITNESS: Of course, they have.

THE CHAIRMAN: Q. What do you mean by the word "lobby"?

A. My object is to convince the Committee that such men as Mr. Black and Mr. McMaster are wrong from the standpoint of their own interests. It is a strange thing for a communist to be arguing in an endeavour to convince McMaster and Black, and other great capitalists like those men, that the policy they are following in opposing labour unions is cutting their own throats. It is exactly the same policy, although it does not go as far to-day, that some of the men in Vichy followed when they laid France at the feet of Hitler. I do not accuse Black or McMaster of being fascists, but let the employers in this province block this labour Bill and there is no power on this earth that will stop a disruption of the war effort, gentlemen.

MR. HABEL: Q. You are stating that as a threat?

A. No. I have been inside the labour movement, and in the past year, in this province I have been accused as a communist of being a strike-breaker and as in the case of the Ford strike, my influence as a communist was not enough to convince the workers. Our influence among the workers is very small, but the workers in Ford did not heed the advice of their legitimate leaders or the communists or the government, and from this standpoint it would be very bad for Ontario if the capitalists permit anti-union men such as Black and McMaster and others to interfere with labour, because they are making a very serious mistake which will have the effect of weakening the war effort and weakening themselves. I am not therefore making a threat, but am making an honest plea that anything that can be done to convince these gentlemen of the incorrectness of their point of view should be done, and we will endeavour to do it.

Q. I object to the use of the word "lobby" because, after all, we as members of the Committee never were approached by anybody outside of this room.



(No response.)

THE CHAIRMAN: The witness has explained that by "lobby" he meant representations by people opposing the Bill.

Q. Is that correct?

A. Exactly.

MR. HABEL: Then "lobby" should read "powerful representation."

MR. SALSBERG: There may be a lobby even though a member of the Committee is not approached.

THE CHAIRMAN: It would not be a very influential lobby, in that event.

MR. SALSBERG: I think there is a lobby, but that does not mean that you were approached.

MR. HABEL: There is no such thing.

MR. SALSBERG: Are you authorized to speak on behalf of the whole Committee?

MR. FURLONG: Mr. Chairman, we have a long list to finish to-day.

THE CHAIRMAN: Yes. Please proceed, witness.

WITNESS:

"Evidence submitted to this Select Committee, we contend, has clearly shown a province-wide movement to misrepresent the trade union movement and the labour political movement. Expensive advertisements have been published asserting that the C.I.O. unions are the only unions interested in the Labour Bill, and that the C.I.O. unions are dominated by the Communists. Other statements have been made in the public press asserting that the C.I.O. unions are dominated by the C.C.F. It is needless to say that there is not a shred of truth in any of these malicious statements,"—

and the people who say so are very grossly exaggerating the influence of the communists and the whole situation.

"The arguments submitted by the Ontario unions affiliated to the Trades and Labour Congress of Canada plainly proved that all bona-fide unions in our province favour the enactment of an Ontario Labour Bill, and that fundamentally they all agree upon the main provisions they would like to see included in such a Bill. It is certain too that there will be no important differences regarding the urgent need for such a Labour Bill, or great divergencies as to what it should contain, in so far as the C.C.F. and the Communist movement are concerned. On these questions there is fundamental unity of thought and action in so far as the trade union and political wings of the Ontario labour movement are concerned.

However, the campaign to muddle the issue and block the Labour Bill does not stop at misrepresentation and newspaper publicity. The campaign has its organizational side. Throughout the province we see a forced, artificial growth of what the labour movement terms 'company unionism.' Your Select Committee has received adequate proofs of this from several delegations. Furthermore, there have been several briefs submitted to you defending and advancing the case for 'company unionism', principally the submissions of the Canadian Manufacturers' Association and the Canadian Federated Council of Employees and Associated Bodies, and its adopted illegitimate parent—the Canadian Federation of Labour.

Controller Sam Lawrence at the Hamilton Labour Conference on the Labour Bill, on Sunday, February 21st, declared that \$100,000 had been put up to finance the 'company-union' campaign."

MR. HABEL: Q. Where did he get the information?

A. I do not know; but I have so much respect for Controller Sam Lawrence that I accept it.

Q. It is worth what it is worth?

A. Yes, it is worth what it is worth.

"Mr. W. T. Burford, discredited former secretary of the national unions, who has been making a racket out of his anti-union paper which was and is financed by advertisements of open-shop employers, seems to have been chosen to head the new 'company-union' set-up. A lot of things can be done with \$100,000 and the support of powerful capitalists. But, with all the seriousness at our command we wish to warn such powerful capitalists as the president of Steel Company of Canada, the president of Otis-Fensom, Ltd., and the president of International Nickel who are now fostering 'company unionism' and provoking industrial strife thereby, that their policies of hostility to organized labour, their denial of the workers' democratic rights, and the discriminatory practices which are going on against their employees are not helping the war effort.

The temper of the Ontario workers is such that, at this stage of the war and history, they are not going to submit to modern industrial feudalism. The workers' demands for the legal right and protection to choose the union they want to belong to cannot be sidetracked by dishonest attempts to try and dress up the 'company unions' Burford now adopts as 'unions of the workers' free choice.' And, precisely because there is a war to be won, and because the war is the primary question before the Ontario people to-day, it is essential that this Select Committee takes the necessary steps to forestall the guerilla war and chaos upon our home front which will certainly ensue if the present campaign of the 'company unionists' is allowed to proceed unchecked by democratic law. Ontario democracy must assert itself through your Select Committee and the Legislature to guarantee stable industrial relations and uninterrupted war production. The reason

why such an unscrupulous anti-labour campaign has arisen at this time to prevent the enactment of the Ontario Labour Bill, to attack and smash bona-fide labour unions, to defame the political labour movement and weaken national unity is not hard to discern.

This campaign arises because a minority of Ontario's most powerful capitalists consider that the war has already been won, that it is all over bar the shouting, and that the time is ripe for the aggravation of class relations in Canada and the weakening or smashing of the labour movement. And, needless to say, this campaign of powerful capitalists will be taken advantage of by all fifth-columnists, by all secret agents and friends of Hitler in Canada, and by all racketeers.

That this campaign of calumny and opposition to the labour movement does not spring from voluntary associations of workers acting independently, but is political to the highest extreme is also seen in the assertion that the Ontario Labour Bill must be blocked in order to prevent the enactment of Federal Labour Legislation guaranteeing the right of collective bargaining. That the matter is not without international and inter-provincial ramifications is illustrated by the following quotation:

'... Dominion industry is worried by the Ontario Provincial Government's proposal to make collective bargaining mandatory and give the C.I.O. and A.F.L. a monopoly in labour representation. That law would bar independent unions and impose the closed shop and the dues check-off on all Ontario industries. Defeat seems likely—Federal officials and industry fear that if Ontario passes such a law other provinces will follow suit—especially industrialized Quebec where big labour organizations are not strong and where wages generally have been lower than in Ontario. With industry and independent labour joining forces against the Bill, it seems probable that the provincial government would resist C.I.O. pressure and let the plan die in a committee'.—Business Week, Feb. 20, p. 75."

THE CHAIRMAN: Q. Who wrote that?

A. That was written by one of the editorial writers of Business Week, a very authoritative journal of Wall Street.

Q. It must be very "authoritative" when he says the other provinces will follow suit, and Ontario is the only province in Canada without a labour Bill?

A. It would be possible for this Committee to ask the writer to appear before it and state his opinion.

Q. We are not calling anybody who does not want to come, but we shall hear anybody who does want to come before the Committee?

A. It is the most political statement that has been made on this Bill.

Q. It is stupid, anyway.



A. I hope the Committee and the Legislature will prove that he misjudges the situation.

THE CHAIRMAN: People who write like that take care not to appear before the Committee.

MR. FURLONG: Q. You say: "The Ontario Labour Bill must be blocked"?

A. That is his language.

Q. No; it is not in his quotation but in your statement. Now, there has been no representation made here as yet, by manufacturers or others, opposed to collective bargaining. There may be some difference of opinion as to the contents of the Bill, but nobody said they were opposed to collective bargaining, so that part of your brief is incorrect.

(No response.)

MR. GARDHOUSE: After all, this is only the view of one man.

WITNESS: —

"That quotation, we submit, glaringly reveals the plans and thoughts of a minority of capitalists and politicians in Ottawa and Toronto, who in pursuit of their selfish class and careerist aims and personal profits are ready to risk the disruption of our Ontario and Canadian war effort at the very moment when our brothers and sons overseas are tensed to cross the Channel and face the bloodiest battles in all human history so that Canada shall be free and democratic. That is the issue, Honourable Chairman and Members! That issue must be faced and solved in democratic total-war fashion by this Select Committee, the Legislature and the labour movement and the people of this province.

Labour has serious responsibilities and must display the greatest discipline, unity and self-sacrifice in these crucial days. We of the Communist movement are counselling labour to display these qualities in every way, and, although we are but a minority within our population, and labour under the difficulties of the undemocratic ban against the Communist Party of Canada, we claim to have done all in our power to strengthen the war effort—as the record shows.

We strongly urge that this Select Committee recommend to the Government and the Legislature that this Session of the Ontario Legislature enact a Labour Bill as has been suggested by all sections of the labour movement, and supported by wide sections of the general public. This would result in our Ontario Government keeping faith with the people, as we hope that it will, and would do an incalculable good for the betterment of labour-management relations in this, the chief industrial province of the Dominion, for the maintenance of uninterrupted war production and the increasing of the flow of weapons and war supplies to the fighting fronts to guarantee victory in the decisive battles looming just ahead."

That is our presentation, and we hope it will help the Committee to bring about a good Labour Bill in Ontario.

THE CHAIRMAN: Do any members of the Committee desire to ask Mr. Sims any questions?

Witness withdrew.

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MR. FURLONG: Now we have a submission by the United Automobile, Aircraft and Agricultural Implement Workers of America, U.A.W., C.I.O., represented by Messrs. Burt, Christie and Coulson.

THE CHAIRMAN: I think we shall have five minutes' recess in order that the windows may be opened and the smoke cleared out of the room.

Short recess.

MR. FURLONG: Mr. George Burt has a delegation from Windsor, and desires to introduce them.

Mr. Burt introduced the delegation.

MR. FURLONG: I will now call upon Mr. Burt to read his brief.

GEORGE BURT, sworn.

MR. BURT: Mr. Chairman, in presenting the brief we have generalized all the way through, and we would like to go into more detail by requesting persons from the plants represented here to give you factual evidence. I will call upon the persons from these plants as I proceed, if that is satisfactory:

SUBMISSION ON COLLECTIVE BARGAINING ON BEHALF OF MEMBERS OF  
UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL IMPLEMENT  
WORKERS OF AMERICA, AFFILIATED TO THE CANADIAN CONGRESS  
OF LABOUR AND THE C.I.O.: WINDSOR, AMHERSTBURG,  
CHATHAM, TILBURY, BRANTFORD, SIMCOE, MERRITON,  
WELLAND, ST. CATHARINES, TORONTO AND OSHAWA

"In submitting this memorandum on behalf of 35,000 organized automobile, aircraft and agricultural implement workers in Ontario, we are prepared to place before this Select Committee factual evidence which in our opinion should convince the Committee of the necessity of adequate collective bargaining legislation.

Our locals, in Ontario, which have full autonomy are part of a larger international organization with 800,000 members and contracts covering more than 1,000,000 workers on this continent. More than 157,000 of our members are in various branches of the armed forces. Plants in the U.S. with which we have contracts covering one quarter of our members have been awarded the Army-Navy "E" awards for war production. There is no comparable award in Canada but Government officials have time and

again paid tribute to the jobs being done by plants in which our members are employed and Prime Minister King, speaking recently to officers of the Canadian Congress of Labour said:

'I want to express real appreciation to the workers of your organization and of Canada in particular for what they are doing so magnificently to further Canada's war effort.'

Realizing that our main task to-day is to defeat Hitlerism, we are confident that this Committee will facilitate that task by recommending legislation long overdue in this part of the British Commonwealth. We welcome the pledge by leaders of the Ontario Government to introduce a Collective Bargaining Bill.

We believe our members and workers generally could make greater contributions to the many phases of the war effort if a great deal of their energies were not dispersed in fighting for the elementary right of recognition of genuine unions of their own choice against organizations under various names which are sponsored and dominated by employers. We believe abundant evidence has been placed before this Committee disproving the assertions of certain business interests who have claimed that organization of their employees has not been hampered or opposed. Our experience corroborates much of the evidence already submitted relating to the refusal of employers to bargain collectively and their efforts to frustrate the desires of their workers for genuine unions by the initiation, encouragement and domination of organizations bearing such descriptions as employees' committee, employee representation plans, works council or company unions. We readily concede the right of workers to form an independent union freely chosen by themselves provided it is in no way initiated, encouraged or dominated by the employer.

Back in 1935 when the Royal Commission on Price Spreads investigated conditions in Canadian industry at a cost in excess of \$500,000, it made the following observations in regard to trade unions which were never implemented in Ontario and which still deserve consideration:

'With the development of the factory system and still more with the general trend to corporate management and concentration, the disparity in bargaining power between the individual worker and the typical employer has grown so obvious that the abstract necessity for collective bargaining is widely accepted. On this side of the Atlantic, however, practice has not followed this recognition to the extent it has in older countries . . .

The method of collective bargaining implies the right of association and the right of freedom from unwarranted interference with such associations. The trade union is, thus far, the normal agency in which workers associate together . . .

To enter fully into the discussion of the problems of trade union policy, organization and law would be outside the scope of our present reference but sufficient evidence of deplorable conditions has been presented to us to suggest that the Government has a direct responsibility to encourage, so



far as possible, one of the natural and most effective instruments for the protection not only of labour but also of the fair employer. The association, on the side of the employer, must be balanced by the trade union on the side of the employee. Mere toleration of trade unions is not sufficient. More adequate recognition of trade unions both by Governments and employers would have a significance wider than that of merely facilitating collective negotiation of wage contracts. As long as the trade union movement is only tolerated, and we have received evidence to show that this is often the case, it will continue to pursue defensive tactics—a prominent official calls them “snarling dog” tactics—which are not likely to be constructive. To the extent that the trade union is recognized as a necessary instrument of economic organization and control, to that extent the energies and intelligence of the movement can be fully realized for constructive co-operation in the improvement of social conditions. It is the defensive psychology imposed upon unions by experience and circumstance that develops those policies and practices to which objection may sometimes fairly be taken, but which are often utilized by their opponents to create misunderstanding and prejudice.

Even the simplest legislation is not self-enforcing; still less is labour legislation. By the very nature of the problems it is designed to meet, labour legislation must often be complex and technical and must always be expertly administered by officials whose competence and understanding compel the respect and co-operation of those with whom they have to deal.

#### UNION RECOGNITION AND COLLECTIVE BARGAINING

If there were grounds for such recommendations then, made only after exhaustive investigation, we submit that there is equally greater need for translating them into concrete and practical terms to-day.

But the industrial peace which we all desire cannot be achieved merely by what has been described as a pious declaration . . .”

THE CHAIRMAN: You will have to stop there. One of my colleagues objects to that phrase.

MR. HABEL: No; I do not object to “pious declaration” but to “platitude”.

THE CHAIRMAN: Please proceed.

MR. BURT:

“ . . . that workers are permitted to organize and choose their own representatives. Legislation, if it has any value, must provide that the employer is compelled to recognize and bargain with them. Here too, it should be clearly set forth that the union chosen by the employees be recognized as the sole bargaining agency and be made a party to any agreement.

Any suggestion that collective bargaining be entered into and agreements concluded with ‘all the employees’ should not be entertained by your committee.”

MR. HAGEY: I do not understand that sentence:

"Any suggestion that collective bargaining be entered into and agreements concluded with 'all the employees' should not be entertained by your committee?"

Do you mean individual contracts?

A. No. What I mean by that is that employers quite often, when you bargain with them, want to include all the employees under the agreement, and to allow those people to vote who have not signified their desire for collective bargaining either by taking part in the vote or who have been opposed to a union that has been selected by a majority of employees as their collective bargaining agency. Now there is a certain formula that has been developed in Ontario, and we feel it is very dangerous. I will explain this formula later on in the brief.

Q. Please proceed. I understand your point now.

A. I am coming to the election of committee men in the plants by departments, and you will find out exactly what I mean.

"This suggestion is put forward by many employers for the purpose of evading collective bargaining in good faith. Only a group of workers properly organized, meeting regularly, amenable to group discipline, and responsible to each other and to their organization can properly be a party to a collective agreement as implied by the word 'collective'.

Our union signed agreements with 21 plants in Ontario during the past 15 months but in more than 50 per cent of the cases it was necessary for the workers to take a strike vote and apply for a conciliation board to obtain the elementary right of recognition under The Industrial Disputes Investigation Act. Particular attention should be given to a recital of what workers must undergo under this Act to obtain recognition because some of its effects undoubtedly linger for some time and militate against an early creation and development of harmony.

When workers are told that they must take a strike vote to obtain a conciliation board, the natural result is that relations in the plant approach a feverish state which is not productive of harmony and the subsequent entering upon negotiations by both parties in that spirit which is most essential to co-operation. The disharmony is further accentuated when there is a protracted delay in the establishment of the board and the employer uses the intervening period to initiate or encourage company unions, details of which will be discussed later. The cost of such boards, in the majority of cases solely for the settlement of the issue of recognition, should not be overlooked when it is considered how such funds could be applied more positively in the administration of modern legislation."

In order to bring that more forcibly to your attention I would like to call upon Mr. Walter Poole of the Gar Wood plant, who has had an experience along these lines.

WALTER POOLE, sworn.

WITNESS: Mr. Chairman and gentlemen, from the time that we made our application for a board of conciliation until such time as the board was set up and rendered their verdict we had to wait about five and a half months. During that time there was an awful lot of ill feeling in the shop and production was disrupted. It was a case, as far as the Committee was concerned, of spending most of your day trying to keep the men at work, not trying to get them out but to keep them from going out.

THE CHAIRMAN: Why?

A. We were dissatisfied, disgruntled with the conditions. The consequence was that production took a very drastic drop; I would not like to say just how much, because I am really ashamed of the drop it did take in the plant at that time.

Now, after the board was set up and rendered their decision our contract was signed, and immediately there was a different feeling in the shop: production began to go up then, and I am glad to say that at the present time we have got it back nearly normal and I hope in a short time it will be back to normal.

Q. Or above normal?

A. Or above normal, if possible; that is our aim.

I do submit, however, that in that five and a half months our armed forces were denied many hundreds of pieces of mechanical equipment, due to nothing else but the delay between the application and the rendering of the decision from the board of conciliation. That is all, sir.

THE CHAIRMAN: That is expressed very nicely, Mr. Poole. Thank you.

Witness withdrew.

MR. BURT: Mr. Chairman, I would like to call on another member of our delegation, Mr. Dan Cassey, from the Ford Office Workers, Local 240, who also had a similar experience in the office of the Ford Company.

DANIEL CASSEY, sworn.

THE CHAIRMAN: Q. It is not "Casey at the bat"?

A. No; "Casey" is an Irish name, and I have the honour to be a Scotsman!

Honourable Chairman and gentlemen of the Committee, the evidence I wish to submit will refer in particular to that phrase in the brief as read by Mr. Burt: "The employer used the intervening period to initiate or encourage company unions."

When we started to organize in the Ford office, Ford Administration Building, we secured our majority and made representations to the company. They kept back an answer for a little more than three weeks.



MR. MACKAY: Q. By "they" do you mean the company?

A. Yes, the Ford executives.

Q. Yes?

A. For various reasons. But I maintain, gentlemen, that during that time they initiated and encouraged opposition in the form of a company union. This company which was set up caused a great deal of strife and disruption in the Ford office, and I may say in fairness that the company disclaims any connection with it. However, at their first organizational meeting the members of the Ford executive were present, and explained, somewhat speciously in my opinion, that they could have nothing at all to do with it, but they encouraged them in this way, by telling them: "When you have the majority, come to see us."

Their answer to us was that they did not dispute our majority but felt that—and I quote now—"It is not timely to accede to your request."

Since that time when they started to counter-organize, supervision itself . . .

THE CHAIRMAN: Q. What do you mean by "supervision itself"?

A. I mean supervision of the employees: department heads, assistant department heads, and various leaders with various titles, have taken it upon themselves to round up and use their prestige and influence as leaders to coerce and intimidate employees into joining the company union.

Q. What would they say to show that they wanted to coerce and intimidate employees?

A. It has been said that it would be unfortunate if certain members, particularly girls—they were the most susceptible to that type of tactic—should not become involved in any of the C.I.O. meetings at all, and others carried that idea through. Of course, gentlemen, do not let me leave you with any misunderstanding: they do not come right out and say: "If you join the C.I.O. you are fired," but by implication they do that, and some of them believe it.

MR. FURLONG: Q. What is the name of the independent union that was organized?

A. They called themselves, first of all, the Ford of Canada Employees' Association.

Q. Was it completed?

A. Oh, yes.

Q. And organized?

A. Yes.

Q. Is it in operation now?

A. Yes.

Q. Has it the most members in it, has it the majority of the office workers in it?

A. Definitely not.

THE CHAIRMAN: Q. Has any secret ballot been taken to determine whether they have a majority or you have a majority?

A. No.

MR. ANDERSON: Q. You have no agreement at the present time?

A. No; it is in the formative period.

THE CHAIRMAN: Q. Have the other people an agreement?

A. No; except, I suppose there are various ways of giving approval to a thing, one being to withhold disapproval; and that is what they have done on the part of the Ford executives.

MR. HABEL: Q. When had they organized?

A. Just after we had organized.

MR. FURLONG: Q. That is just something that has happened in the last month?

A. Oh, no.

MR. BURT: Three months ago.

WITNESS: Yes. We held our first organizational meeting in November, and it was not until the end of January or the beginning of February when this company association started in.

THE CHAIRMAN: Q. I am asking this question for information for myself and also, I think, for the other members of the Committee: Is unionism among the office staffs a new thing? I have not heard of it before. Is this an initial attempt to organize the office staff of a company in Ontario, or have there been other office staffs organized?

A. To the best of my knowledge this is the first, sir.

MR. BURT: No. The A.F. of L. have contracts covering office employees. I might say that when the vote was taken down at Research Enterprises it included the office workers. Our policy is to set them up under separate local unions. We never attempt to organize the office workers first!

THE CHAIRMAN: Q. It is the first bit of evidence before the Committee about any union among the office workers.

A. I might also say in regard to your question on intimidation and coercion, sir, that I had a practical experience myself which will illustrate what is happening. There has been various opportunities for promotion, and the question was asked of those who considered that promotion, as to just where did they stand on the union question.

Q. What you might call negative coercion?

A. That is true.

Q. "If you don't come along you don't go up?"

A. Yes. I will give you my personal side of it: Last August I handed in my resignation in fear and trepidation as to the effect of the new legislation, which I understood was going to be effective in September, freezing labour. I was dissatisfied from a personal point of view, and handed in my resignation from the cost accounting department of the Ford Motor Company. They were rather pressed for men at the time. There were many transfers. There had been moves, and naturally, as in other places, there were many who had been called into the services. I was asked to reconsider my resignation, and was promised promotion. There was a certain type of work coming up which, according to the story the company gave me then, virtually no one else but myself could carry through to a successful completion. You can take that for what it is worth, as I did! Anyway, I was told that if I stuck to the gun I would have promotion to the purchasing department by Christmas. Christmas came and went. I am still in the cost accounting department. I took the matter up, and it was explained to me very firmly and gently that when a little boy is naughty you must slap his hand.

MR. MACKAY: Q. Who gave you that information?

A. My department head, the man with whom I took it up.

THE CHAIRMAN: Q. He specified the hand?

A. Yes. I think, gentlemen, that is all I should like to say at this time.

MR. MACKAY: Q. With regard to those eligible to join the office union, are executive officers permitted to join such a union?

A. Oh, no. They do not, in Local 240 UAW-CIO: but in the proposed set-up with the company union they do, in our particular office. In fact, they go so far as to say the department head will be allowed to vote, but not to hold office!

MR. HAGEY: Q. If you had a secret ballot to determine the bargaining agency that would obviate your trouble?

A. Yes.



MR. FURLONG: Q. That is all you are asking?

A. Yes, except that I was trying to bring out the tactics they are using to try to swing things to the company unions. It is good strategy, I admit.

THE CHAIRMAN: Q. Whatever is best for the organization as a whole is best both for labour and management from the long point of view?

A. Yes, but that depends on your interpretation of the organizations, sir. Thank you.

Witness withdrew.

GEORGE BURT resumed the stand.

"We think this Committee should take into consideration the benefits of harmonious labour relations which would have been available long ago had the legislation now proposed been in force. We suggest that there is an incalculable reservoir of worker morale and good will which, collective bargaining having been a recognized right, the workers could have diverted into labour-management production committees, investigation of the causes and lessening of absenteeism, assistance on Red Cross drives, Victory Loan and War Savings drives, etc. Once they won recognition of their union they were able to give greater co-operation in these endeavours, but they have been hampered to no little extent by the obstacles placed in their path through no fault of their own."

I might point out that in the Ford Motor Company there was a great difference in the amount subscribed before as compared with after organization. I will ask Mr. Roy England to tell you about that.

MR. ROY ENGLAND: Mr. Chairman and members of the Committee, in the case of the first Victory Loan in 1941, when we were not organized, the Ford workers subscribed \$850,000. In the case of the third loan, when the union and the management participated in the drive we subscribed \$1,420,000.

THE CHAIRMAN: Q. Was there any intimidation or coercion? (No response.)

WITNESS: In regard to that question, we have that ironed out now in our contract. Regarding this particular paragraph in the brief we have with us a delegation from Wallaceburg, including the president of the union, Mr. Thomas Sherwood, who is a returned soldier from the last war and whose son is at present a wounded prisoner in Germany. Mr. Sherwood is still on strike in the Dominion Glass trouble, and I think he furnishes a good example of the need of proper labour legislation. It is a non-essential industry, so declared by the federal government, and under those circumstances there is no machinery which can bring labour and management together.

I would like to introduce Mr. Thomas Sherwood at this time.

THE CHAIRMAN: Very well.

THOMAS SHERWOOD, President, U.A.W. Local 251, Wallaceburg, sworn.

WITNESS: Mr. Chairman and gentlemen the situation in Wallaceburg, where a strike has been in progress for seven weeks, is about the best indication in Canada to-day of the need for a comprehensive Collective Bargaining Bill. The U.A.W. membership in the plant of the Dominion Glass Company at the time of the strike was caused, represented 90 per cent of all workers in the plant.

THE CHAIRMAN: Q. How was that determined?

A. On the basis of a total employment of 855.

MR. FURLONG: Q. But how did you know that, by your membership cards?

A. Yes, by our paid-up membership cards. We represented 90 per cent of all the personnel in the plant, including the office staff and heads of departments, who are not eligible to join.

THE CHAIRMAN: Q. You say "including the office staff and heads of departments who are not eligible to join"?

A. Yes. The total enrolment in the plant at that time was 855, and we had 90 per cent of the total. In spite of this fact, which was admitted by Conciliator Nicol and the company, the right of the employees to join the union of their choice was denied, and the right of the employers to choose the union for their employees was upheld.

THE CHAIRMAN: Q. By whom?

A. Firstly by the Conciliator and afterwards by the Honourable Peter Heenan, who admitted that he had no power to settle this strike, no jurisdiction, and no law in this province which would enable him to handle this strike.

MR. FURLONG: He had no power to enforce a vote.

THE CHAIRMAN: Q. I understood you to say that first the Conciliator and then the Honourable Peter Heenan said the right of the 90 per cent majority was denied?

A. I am expressing my own opinions. If I am wrong, correct me.

Q. Oh, no. I understood you to say that the right of the 90 per cent to be heard was denied by the Conciliator?

A. May I ask you a question?

Q. Yes.

A. Has that right been granted to the majority in the plants?

Q. I do not know.

A. If it has not been granted, they are working a nice stand-off on us, and we are still being denied that right.

Q. I do not think you meant what I understood you to say. I understood you to say that first the Conciliator and then the Honourable Peter Heenan denied the right of the majority to bargain and upheld the minority of 10 per cent, is that correct?

A. When my children come to me and want money to go to the show and I do not give it to them, they are denied; and that is precisely the position we find ourselves in to-day.

Q. They may not be denied, but they are prevented from going to the show. You could say: "I have not ten cents in my pocket to give you. I would give it to you if I could, but I have not got it?"

A. In that case probably they would sympathize with me! Gentlemen, I ask you: Is this the democracy for which our sons are fighting? There is only one answer: No; there is no democracy. The aristocracy of industrialists is being forced on the working people of Canada to-day through the failure of both the dominion and provincial governments to enact a labour law with teeth in it to protect the workers.

Gentlemen, I ask you to consider these facts: The Dominion Glass Company, which is a monopoly absolutely controlling the manufacture of glass in the Dominion of Canada, employs in four plants less than 3,500 workers. The average yearly earnings per worker were under \$1,200, and yet this company made net profits per each employee of more than \$1,900, by their own financial statement.

These conditions are similar to the conditions which prevailed in Russia under the Czarist rule, where only one class received any consideration.

MR. MURRAY: Q. They would have to pay that out in income tax?

A. All right, so what? They made the dough, and it should have been on the pay cheques of the workers.

THE CHAIRMAN: Q. If they paid the workers a little more they would not have so much income tax to pay?

A. No.

MR. HABEL: Q. Is not that a fight between the A.F. of L. and your union?

A. At the time I am speaking of when the U.A.W. membership was 90 per cent of all workers in the plant the A.F. of L. was not in the plant as a recognized body, and never were.

Q. They were there just the same?

A. They were workers in the plant. But this is not a jurisdictional fight. We hold a prior right in this thing.



Another similarity which developed during our strike was the adoption of the practice developed in Russia of calling out the cossacks to disperse the crowd when they thought they had a little trouble on their hands. In our case they sent in the provincial police. These men came into town and dispersed peaceful pickets. There had been no disorder up to that time. Since the provincial police came into our town public sentiment and support has lined up solidly behind us in our demand for fair treatment and also the demand that collective bargaining legislation be passed at this session.

Calling your attention to the loss to our government and the war effort may I tell you that the plants now on strike subscribed more than \$70,000 to the last Victory Loan, and that approximately \$30,000 has been cashed in by the strikers to this date. Unless a fair view of this question is taken by the government, these men now on strike will never again be interested in any project which is advanced by that government.

During the Red Cross drive our plant contributed \$10,000. Since the war began the plant war services fund, which I had the honour to start, has sent cigarettes every month to the boys overseas, and \$1.00 cash to those in Canada. This has been completely disrupted.

Since this strike was called people in the town have made a sharp division in friendship, and many will not attend church or social gatherings for fear of associating with or meeting someone with whose opinions they differ. All this loss in money, services and friendship could have been avoided, and can even be settled now, by an honest gesture on the part of this government in passing the proposed legislation.

THE CHAIRMAN: Q. What caused the strike?

A. Intimidation of employees and lack of recognition. Employees were threatened in the plant that if they did not give up their membership in the U.A.W. their rate of pay would be lowered and they would be put on tough jobs instead of nice cushy jobs. The foremen went through the plant telling the workers this.

MR. HABEL: Q. What other union were the workers to join?

A. We didn't know about that.

THE CHAIRMAN: The witness said that the strike was caused by intimidation of employees and lack of recognition, and that employees were threatened that if they did not give up their membership in the U.A.W. their rate of pay would be lowered, and so on.

WITNESS: On several occasions they went to employees and gave them seven days notice. Before the time was up, usually after a "scare" period of three or four days, they approached the employee and quietly told him: "We will cancel that notice if you give up your membership in the U.A.W." We have signed statements to this effect in our files at Wallaceburg, and will produce them at any time we are requested to do so.

Now, gentlemen, while I admire the Russian people for the stand they have taken in this war I am not a communist and do not favour their way of life. As evidence of this statement may I say I served in the Canadian army for four and a half years, and at present I have a son a prisoner of war in Germany.

In presenting these facts to the Committee I speak as a returned soldier and past-president of the Canadian Legion.

Witness withdrew.

GEORGE BURT resumed the stand.

WITNESS:

“WHY COMPANY UNIONS ARE NOT BARGAINING AGENCIES

We believe that it should be more clearly placed before this Committee that employees' committees dominated by employers who offer sick benefits, recreation, safety, insurance and pension schemes are not counterfeit substitutes for genuine collective bargaining. By themselves, such plans are worthwhile and have been in operation where we have contracts. But the functions of such initiated and company-dominated committees are limited.

The imposition of these various forms of company unions on workers should bear serious study. The election of an employees' committee by secret ballot by departments give the employees a committee but not an organization. These so-called representatives do not represent all the employees in a department as in many cases a larger number of employees refuse to vote because they aren't being given a free choice. Even if only 10 out of 50 vote in one department, companies have recognized the one person nominated. In the majority of cases, these so-called employees' committees never hold meetings and their contracts are not ratified by the workers directly concerned.

In many cases the insurance and other benefits to be derived from such committees will be continued under genuine collective bargaining but the fear of losing them is used by employers as a means of coercion. Through the functioning of a genuine union there is a greater likelihood that such programmes of a co-operative nature will be more democratically applied in the interests of the employees, as for instance, when older employees are discharged near the time when they are due for a pension.”

I have another example here from the De Haviland Aircraft plant. I might say that we had a company association in the De Haviland plant, but it has since withdrawn from any contest and we have established a very solid relationship with management at De Haviland. We are taking a vote next Monday in the plant to determine the bargaining agency. The vote will be taken under the auspices of the Provincial Department of Labour.

I might say that what you are going to hear now happened prior to the time that we had conferences with the management in establishing an agreement with them for collective bargaining purposes until this vote is taken on Monday

to determine the bargaining agency. The company have been very co-operative in helping all parties concerned to arrive at the wishes of the employees in regard to the bargaining agency.

Witness stood aside.

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CARL V. COULSON, sworn.

WITNESS: Mr. Chairman and members of the Committee, the evidence I wish to submit on company unions is this: When I first started in De Haviland, in the employment office they handed me a little sheet of paper which stated: "Relations Committee" which was supposed to be formed for recreational purposes such as hockey games, ball games, etc. It cost twenty-five cents a month to belong to it and support it. When I got in the plant I found out it was a set-up similar to a company union. They had a committee elected by secret ballot in departments, and the foremen went around more or less soliciting for the members that were running, and particularly in my department the foreman went around and stood right at the ballot box.

THE CHAIRMAN: Q. And watched them mark the ballots?

A. Yes, and, more or less patting the boys on the back, said: "Do not forget"—a certain member that was running, and as a result he got elected.

Q. Why would he get elected if it was a secret ballot and the employees did not want the fellow recommended by the foreman?

A. It was not as secret as that.

Q. It was quasi-secret?

A. Yes, the ballot was more or less laid right on the table and the fellow marking could see how it was filled out.

In the constitution of the company union there was a clause stating: "If you are a member of an outside organization you will be immediately put off the committee," meaning that if you ran on the committee and it was found out that you belonged, for instance, to the carpenters' union, of which we have plenty outside of those who belong to the C.I.O., you would be put off the committee. You were not allowed to have any outside affiliations. In a case where three of our men ran and got elected, immediately it was found out that they were members of the C.I.O. they were kicked off the committee.

Q. Who kicked them off?

A. The chairman. They took a two-thirds vote.

Q. And "Out of the window!"?

A. Yes. Immediately after we came into De Haviland aircraft there was a quick meeting called in the cafeteria at which the company allowed this association—it was the employees' association—to turn on quite a bit of heat towards



the U.A.W., and from that date they formed a company association, instead of the recreational club, in which the dues were to be fifty cents a year. When the company union cards were printed the foremen along with the charge hands went around with the cards and practically intimidated the men into signing the cards. I think the mere matter of a foreman taking a card around to a man is intimidation, because any man who says: "No; I would not join it," is liable to be told by the foreman the next day: "Your work is not so good," and you are out the door.

In one case specifically a man was told by a charge hand that he was sorry he might not be seeing him around there any more, and he kept that up two or three times until the man finally signed the card.

Then the company union went on strike against the Regional War Labour Board because they were taking too long to give them their wage rates; I think it took them a couple of months before they got their wage rates back approved by the Regional War Labour Board. We were opposed to that. The company is turning out one of the most vital aircraft in existence, one of the fastest bombers, and we opposed that action on the part of the company union and put out notices asking the workers to stay on their jobs. Then the company police were ordered to tear our signs down, and they left the strike notices up that were put out by the company union about going on strike at ten o'clock; they left those notices on the board and took down our notices requesting the workers to stay on the job. All the way through that the company union were definitely being helped by the company to fight the U.A.W. coming into the plant.

THE CHAIRMAN: That is very fair.

Witness withdrew.

Whereupon the Committee adjourned at 12.50 o'clock p.m. until 2.00 o'clock p.m.

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## AFTERNOON SESSION

TUESDAY, MARCH 16th, 1943

On resuming at 2.00 o'clock p.m.

THE CHAIRMAN: All right, ladies and gentlemen, you will please come to order.

MR. FURLONG: Mr. Burt?

Mr. Burt, will you proceed with your brief, please?

MR. BURT: Yes, I will.

Mr. Chairman and members of the Committee, I will continue now from where I left off.

"Another form of company union is known as the employee representation plan. These provide that so many representatives shall be appointed by the management and an equal number elected by workers. In this manner the employer sits on both sides of the table and his tremendous economic power is not balanced by an equal collective strength on the workers' side. The final decision in many cases is made by the employer because of his dominant economic position, therefore any pretense of genuine collective bargaining disappears."

I am going to call on Mr. Gerald Alleyn from Brantford to further elaborate in respect of what we mean, Mr. Chairman.

THE CHAIRMAN: Very well.

GERALD ALLEYN, sworn:

To get back to the question of company unions and the way they are formed, first of all they will ask you to nominate from your department certain members. They do not ask you whether you want to; they just tell you you must nominate them. Whether there are four hundred members and out of that four hundred members ten vote on it, they are your representation. You have no choice in the matter.

To get away from that part of it, they recently drew up an agreement in the plant at which I work.

MR. FURLONG: Q. What plant?

A. The Cockshutt plant in Brantford. It was signed by the representatives of the employees, the so-called representatives of the employees.

THE CHAIRMAN: Q. The ones nominated?

A. Yes. Of course this Committee still sits which was there before we organized in the Cockshutt plant.

They drew up a schedule of wages, or existing wages, as they were, and the industrial council, as we call them, signed it. To show you how this actually worked, the employees of that plant did not hear about it for two months after. If that is representative of representation of employees I cannot see it, nor do I think anybody else could.

Then, to illustrate some little points which have come up, last year we asked for proper facilities for washing.

THE CHAIRMAN: Q. Who is "we"?

A. The different departments asked their council representatives to bring this before the management and representation of employees. We never heard anything more about it. We asked for smoking privileges, and we were told that the insurance underwriters would not grant them. We asked for proper eating facilities, and we were told it would cost too much money. So, the union

started to organize. Three weeks after they started putting sinks in with which to wash. They notified us that the insurance underwriters had granted us the right to smoke. They gave us a seven thousand dollar dining room. Those are things they would not grant before the union started to organize.

To get back to the work section of it, there was a contract in the plant on which a one hundred per cent. union department was working. This department was suddenly notified that this contract had been cancelled by the Department of Munitions and Supply. It was taken up with the union office. After a lot of correspondence we received an answer back that it had been cancelled through the company not meeting the commitments it had made. Those commitments were that they were to deliver so many pieces per week and they did not do it. They could have done it, as was proved, but they would not move those things off the floor when the time came for it, so the men were hanging around doing nothing. That alone shows that if we had had proper co-operation between management and the members of that department, engineering would have taken care of that and removed them. We know for a fact from the Department of Munitions and Supply that contract has been broken up into pieces to go to shops which are not capable of producing them in the way we are. They had to break them up and increase the cost of producing them.

Coming back to the question of subtle means of intimidating workers, I think it was last Tuesday morning our union paper came out. Am I not right, Mr. Stacey?

MR. STACEY: That is right.

THE WITNESS: Actually, up to that names were probably known to the company. In some instances, they gave us warning that they had been; not directly, but indirectly. My name, and actually I am speaking in respect of my own case, had been in that paper. Right away, our general superintendent, Lansdowne, took action. Last yesterday afternoon at three o'clock, the president of the industrial council, who had been given a full time job of walking around and watching things—they tell you it is maintenance work, but he just walks from department to department following around representatives of the union—he came around the shop. He knows me personally, but he had me pointed out to him. When I go back there I will be followed around again. They make excuses for firing men very easily. Lay-offs have been constant, yet men who are not union members can take days and half days and even three days to go to the City of Toronto to see the Icecapades and hockey games and not a word is said to them. If we do not need something to counteract that—

THE CHAIRMAN: Q. Does it take three days to see a hockey game? You can take a hockey game and the Icecapades in at the same time.

A. It is the social activities before the hockey game which have to be taken into consideration too.

I think that just about covers what I have to explain.

MR. HAGEY: Q. What do you call the council?



A. The company council.

Q. How long has it been in existence?

A. I cannot tell you that. I have been with them for sixteen months.

Q. It was in existence?

A. Yes.

MR. BURK: Twenty-three years, I understand.

THE WITNESS: By the way, while I am thinking of it, the ——— contract I was talking about signed between the industrial council and the company has an awful lot of clauses in it, but there is only one clause which means anything because it states that unless the company gives the Bill approval all other contracts are null and void.

THE CHAIRMAN: That almost makes it unanimous.

MR. BURT: We are pretty well covering the Province of Ontario. We started off down east and here we are now up as far as Brantford.

MR. HAGEY: The best place in the province, including even Windsor.

MR. BURT: I agree with you provided they have a Bill of collective bargaining.

I would like also to call on another citizen from Brantford, Miss Joan Dowden of the Massey-Harris Plant. A similar condition exists in that plant and I think she has also something to say about company unions.

JOAN DOWDEN, sworn:

Mr. Chairman, and the members of the Committee, I would just like to acquaint you with the facts of our industrial council, but, after Mr. Alleyn's speech, I would like to say they are very much the same, almost identical. About a month and a half ago we received word they were going to have elections for industrial council. We were not asked if we wanted them; they just told us.

THE CHAIRMAN: Q. You mean the foremen?

A. There was notice posted on the board and they told us there would be nominations of different people in the different departments. There were. I happened to be elected to the council. I was also elected secretary of the council on behalf of the employees, not for the management, and at our first meeting we were given a little booklet with "Industrial Council" written on the front telling us about all the different rules and also saying that when it came to a final decision it rested with the president of the company.

MR. HAGEY: Q. Were they not wasting a lot of paper?

A. Yes. They also presented us with an agreement which had been signed with the members of the industrial council. None of the employees had been taken into consideration or asked about it at all. It had been signed. It was written in that agreement that no other bargaining agency would be allowed to act as a go-between between the employees and the employers. When we voted for the industrial council we were told that only men could vote for men and only women could vote for women. This is the first year a woman has been elected. Another thing is that if you should be elected to the council and they did not exactly like you—the management—all they had to do was to transfer you to another department and the runner-up, who was nine times out of ten a stooge for the company, took your place on the council.

MR. NEWLANDS: Q. Where is that plant?

A. Market Street, Brantford. The employees down there do not have much of an opinion of it. All they do is laugh at it and call it a stooge union.

I think I have just about covered everything.

MR. HAGEY: Q. How long has that so-called organization been in existence?

A. Twenty-four years.

MR. NEWLANDS: Q. You have stood for it for twenty-four years?

A. I have not, no, and I am surprised that the men have all this time.

In my case they could not very well get rid of me because I happen to be the women's representative for the whole factory. I still have control over those girls even if they shift me to another department.

I believe we have had three meetings since the new council came in and almost everything we have asked for they have told us they thought it would be possible. On two or three occasions we pointed out it was possible in other factories so why could not it be done there. They promised and when the minutes of the meetings came out they again had "it will be done if possible."

I think that is just about everything I have to say. I think I have covered just about everything.

MR. HAGEY: Q. You have no agreement at all with the management there?

A. Not this council, but last year's council signed a written agreement. It was posted on our board and each member of the council was given a copy. The employees never even saw it.

Q. No chance to approve of it?

A. No. And the new council did not see it at all. It was just handed to them when they first came into office.

MR. HAGEY: Mr. Chairman, we may have many bad employers in the City of Brantford, but you must admit we have good lady employees.

THE CHAIRMAN: Right.

THE WITNESS: I think I had better sit down.

MR. BURT: We are trying to impress the Committee respecting the election of committees by departments. It gives people only committees. On numerous occasions we have been confronted with this, that people who are members of the union do not know whether to vote themselves in on the council or whether to refuse to vote, or whether to just mark "U.A.W." on the ballot. They have come to me on numerous occasions wanting to know what they will do, because they know in spite of what they do they will still get a company union.

THE CHAIRMAN: Does that not bring up quite an important point? If an election were to be held under the auspices of the Department of Labour the question of the form of ballot would be quite important.

MR. BURT: Yes, the form of ballot would be important. However, choice is important. "Do you want to bargain collectively through a union, the U.A.W., or do you want a company association?" Of course, if a company association is financed and dominated by a company, it is our opinion it has no place on the ballot, nor has management any right at all to have scrutineers, as they have now.

I will go on with the presentation of my brief:

"When the pressure for a genuine union increases in some plants, the employers or his agents usually foster an organization which more closely resembles trade unions in that they may collect dues, and elect officers. This streamlined form of company union whose membership is deprived of skilled negotiators with a background of knowledge and experience in union-management relations as well as facts and research material does not function as a democratic organization. It does not appear regularly before membership and take direction from them and opinions usually expressed before management are not the result of membership consultation. Even though certain dues may be collected periodically, they are insufficient to provide competent legal or outside assistance even if it were possible for such committees to take advantage of them.

Almost invariably these various forms of company unions are assisted financially and otherwise by the companies. Among the means to establish such organizations and frustrate the workers' desire for a genuine organization is to take what is called a secret ballot, then to proceed with the signing of an agreement without consulting the employees in whose name and by nefarious means the contract is concluded. We do not agree with the suggestion before this Committee that election of such committees by itself constitutes collective bargaining."

Gentlemen, I am still dealing with Brantford, and I will call on a representative from Brantford, Mr. Seath, of the Brantford Coach and Body Company. We have a nest of company unions up there in Brantford.

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SAMUEL K. SEATH, sworn.



Mr. Chairman, with your permission, I would like to go back in our brief for a few paragraphs. There are one or two points with which, while I am on my feet, I would like to deal and get off my chest.

In the second paragraph of page four we refer to the incalculable reservoir of worker morale and good will. In the Brantford Coach and Body Company there are two plants. They are what is known as the Pearl Street plant and the Mohawk Street plant.

In the year 1941 we were able without the company finding out to organize a U.A.W.-C.I.O. in the Pearl Street plant. They found out just a little too late. After several months of bargaining we finally got an agreement with them which does not give us complete recognition but it does recognize our union committee and only union people are on that committee.

Conditions have gradually improved in that plant. I mean relations with the management have gradually improved. We have a lot of stubborn opposition to wear down but, over a period of almost two years now, we have been successful in finally getting the company around to a place at which they are willing to co-operate with us. In fact, they are so willing to co-operate with us to-day that they are going to burden us with all the blame for lack of production from now on, because they are so co-operative. However, things have improved considerably in that plant. About two weeks or ten days ago I was called from my work to go up to the office to meet a man who had been sent in by the president of the company, who comes from Smiths Falls. It was his mission to our plant to find out what the reason was for the good relations which existed between the company and, as he put it, the employees in our plant, and for the tumultuous relations which existed in the Mohawk Street plant. It was my duty to point out to this special investigator that the company had been fair enough to recognize us to a point in the Pearl Street plant, whereas they fought continuously against recognizing the same organization in the Mohawk Street plant. They take the stand that the board of conciliation, which took five months, I believe it was, to render its decision last year, did not recommend that we be recognized until the expiry of the industrial council in that plant. So, to-day there is considerable resentment against the company's attitude which they put down, definitely, to company policy. It is just not policy to deal with the union down there because they have this stooge committee. I want to point out that the personnel manager takes on all the responsibility in the Mohawk Street plant for seeing to it that the functions of the industrial council are carried out. And, if I am not betraying any of his secrets, he is getting fed up with it. He says he likes the situation we have in the Pearl Street plant, because we mind our own business and we do our own business but in the Mohawk Street plant the industrial council is incompetent to even fill a vacancy of their own council. They have to run to the personnel manager to get him to fill it.

Speaking about the paragraph farther down in respect of the so-called representatives do not represent all of the employees in the department, evidence was submitted by the board of conciliation which sat to deal with the dispute to the effect that we represented in the neighbourhood 290 out of the 360 employees in the plant. Evidence was produced by the company to prove that there was in existence a company union or industrial council. The council was very hurriedly re-elected last June when it became evident that the employees

were seeking membership in the U.A.W.-C.I.O. The elections went through in a terrific hurry. Out of some 360 employees eligible to vote, 124 cast ballots. There were five of the largest departments in which acclamations were awarded in some cases to sub-foremen for the industrial council and in the other departments 129 people voted, and 90 of them voted for the industrial council and 34 of them spoiled their ballots by marking "U.A.W.-C.I.O." on them. Consequently they have an industrial council in there, which represents in effect some 95 people, five acclamations and the ninety other votes received. There was a total personnel at that time, I believe of 362.

It is very evident that the council cannot represent the employees in that plant. They had a little disturbance in the plant recently and the company contended that the only condition on which they would deal with the employees was that they would return to their work and take the matter up with this industrial council, which they were not prepared to do.

My remarks are sort of in reverse, because coming down to this last paragraph, which paragraph I have been called to speak in respect of, when pressure for a genuine union increases the employer sets up its stooge councils. In 1941 we organized the Pearl Street plant. We organized it very quickly because we had an independent union in the plant which, out of 180 employees, represented 13, but still they were genuinely interested and it was not a company union, I will guarantee you. It was not a company union. We paid twenty-five cents a month for two euchre games. That was about the extent of the business which was done in the union, but, just the same, it was entirely free from any domination of the employer. We had a bargaining committee of one. I do not know how much the employer got over him, but, outside of that, it was an independent union.

However, this independent union felt they were not getting anywhere with the employer and that they could not unless they had a better majority of the workers in the plant, so they called a plant meeting.

THE CHAIRMAN: Q. How many had the independent union?

A. Thirteen at that time.

At the first meeting we decided we would invite various speakers from trade unions to come and address us so we could make up our minds as to what type of organization we wanted. The result was that after hearing stories from two different organizations we hooked up with the U.A.W.-C.I.O. The organization of the plant was completed within a very few days. About three weeks after the president, who I believe had never made an appearance before the employees before, came down and called all of us together and said, "Now, look fellows, I hear there are union cards being circulated around this plant. We did not know you wanted a union. Why did you not tell us you wanted a union? We did not know that. If you want a union, we will give you a union. You will not have to pay your money out to any outside organization; just you come to us and we will see that you get a union set up."

Q. Did not he know anything about the famous thirteen independent company unions?

A. No, apparently he did not. He had been too busy toasting his toes in Smiths Falls and never got up that far. He said "To-morrow morning we are going to take a vote in the plant." They did this in both plants. The ballot in our plant said "Do you want a union in this shop?" In the other plant, it was "Do you want to be represented by an industrial council or an outside union?" I do not remember the exact wording, but it was something to that effect. His offer was like the old familiar story of too little and too late. In our plant we voted definitely that we did not want a union in the plant on the plan he was proposing. Consequently notice was posted that we would not have any more interference from the company on that score. In the other plant they voted for an industrial council. The pressure was put on not after a genuine union was started in the plant, but before. They were a little bit shrewd there. This stooge council which was set up is the recognized bargaining agency, recognized by the company and by a majority report of a board of conciliation. How anybody in God's creation could ever arrive at such a decision is more than I can understand, because at the time of the sittings of the board we, sirs, represented around 290 of the 360 employees in the plant. Yet, the board refused to grant recognition until the time of the industrial council's term of office expired.

I do not think there is anything more I wish to say, Mr. Chairman.

THE CHAIRMAN: Thank you.

MR. BURT: To continue, Mr. Chairman, with the presentation of my brief

"And such fake agreements arrived at for the specific purpose of defeating the workers' efforts to obtain a genuine contract should be declared null and void.

In a number of instances where company unions have been formed after the workers indicated a desire to form a real union, genuine agreements have subsequently been signed after a prolonged struggle. But since harmonious relations now prevail we do not think anything can be gained by taking up the time of this committee to buttress the documented exposure of such activities by many other organizations. Should the committee desire it, however, we shall be glad to co-operate in submitting such additional documentation. But the point which we wish to stress is that friction in the past might have been avoided had it not been for the attempt to foist such one-sided agreements on workers.

The memories of anti-unionism and the friction engendered as a result cannot be erased overnight and when other employers continue this policy it serves to agitate those workers who only recently won their right to a genuine union after protracted delays.

#### EMPLOYEES TO CHOOSE UNIONS WITHOUT INTERFERENCE

We submit also that this Committee should reject the suggestion advanced by industry representatives that the employers should not be prevented from indicating to workers what they choose to describe as the benefits of 'employees committees'.



Permitting managements to engage in such unfair practices, gives approval to methods which substantially lend themselves to the initiation and encouragement of company-dominated unions.

Such misuse of the sacred right of free speech gives supervisory officials an opportunity to threaten workers with discharge or loss of bonuses, other benefits and their right to promotion if they show signs of favouring a genuine union.

Approval of such anti-democratic pressure is advanced in the name of freedom of speech and we suggest that it is absurd to invoke such an age-old right to subvert true democratic procedure. Such a procedure is in the same class with the "freedom of the press" cry once advanced by a certain section of the publishing industry when it was forced to comply with fire restrictions governing their buildings.

#### VOTES TO DETERMINE BARGAINING AGENCY

During the past year collective bargaining elections in which the United Automobile Workers of America was involved were held in more than 15 plants. Our union won practically all of these elections and contracts were subsequently signed. There was no machinery under the Industrial Disputes Investigation Act to hold these elections. These elections were determined as a means to solve industrial disputes and evolved from the experience of the Hon. Peter Heenan and his conciliation officers in dealing with these matters.

We will furnish you with copies of announcements to two elections both in almost the same words. But one is in the U.S. under the Wagner Act and is law; the other is in Ontario and is not law, but has been adopted from necessity."

I would like to show the Committee exactly what we have here, if I can find it. I would like the Committee to take a look at this document which reads "Department of Labour, Ontario, Notice of Election." This is in respect of an election held between the Long Manufacturing Company and re U.A.W.-C.I.O. A copy of the ballot is attached to the notice. This notice is placed in the plant. This is not according to the law, but, because of the experience of the conciliation officers of the Department of Labour, they found it necessary to find some kind of system for conducting elections.

EXHIBIT No. 152: "Notice of Election," Department of Labour, Ontario, in respect of the Long Manufacturing Company and the U.A.W.-C.I.O., Local 195, dated Tuesday, March Ninth, 1943.

Gentlemen, I now exhibit to you a notice under the Wagner Act entitled "Notice of Election". You will notice that the wording of the two copies is practically identical. It is in fact my belief that a copy of the American notice of election was supplied to the Department of Labour and the Department of Labour copied some of the paragraphs from it.

EXHIBIT NO. 153: United States of America National Relations Board,  
Notice of Election, dated March 4th, 1943.

I hear some opposition, but I compliment the Department of Labour and its officers in taking the stand they did in working out the problem. It was the only means of working out the problem of the elections.

THE HON. PETER HEENAN: That is all right.

MR. BURT: I continue with my brief.

"The plain fact must not be overlooked that these elections for a free choice by the workers were never granted unless both parties agreed.

Where management refused to permit the holding of such free elections and the accompanying recognition of the agency chosen,\* the responsibility for the resultant friction lay squarely on the management.

Months elapsed in some cases before the workers had an opportunity to express their choice under impartial auspices and the ensuing delay was used either to initiate and encourage the establishment of company unions or discourage membership in a genuine organization by intimidation or otherwise. Because of the acts of employers in some of these cases we were forced to take action under Order-in-Council 4020 and obtain the reinstatement of workers with back pay for the period in which they were unlawfully discharged. We submit that any mode of election procedure under such a Bill should make provision for the determination of the collective bargaining agency within a reasonable period of say 15 days after application has been made."

In connection with the question of elections, I am going to call on a Toronto representative of ours who has had a recent experience in a Toronto plant. With the permission of the Committee, I will now call Mr. Jack Christie.

MR. HAGEY: You say, and I agree with you, that within a reasonable period of fifteen days. What is your suggestion, after that bargaining agency is determined what provision should there be for any resulting change in bargaining agency? How should that be determined?

MR. BURT: I just do not follow you. What we mean here is that we petition the government for an election and we show the government that we have a substantial number of employees in the union. Under the Wagner Act I believe it is 20%. You have to certify that you have 20% of the members of the organization before you can petition for election. There must be fifteen days elapse before the election takes place.

MR. HAGEY: Suppose in a year or two there should be a rival organization in the plant? How do you wish to determine when a further election should be held in order to determine the bargaining agency?

MR. BURT: I would suggest a year. Usually after an election a contract was signed which usually ran to the end of the year, or for a year. That is the

way it worked in the United States. Workers may not like the election. They may want to throw it out before the end of a year. They can certify to the government that they have the required number under such an Act.

With the permission of the Committee I am now calling on Mr. Jack Christie of Local 252, Wilson Motor Body.

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JACK CHRISTIE, sworn.

THE WITNESS: I would like to tell the Committee of the Wilson Motor Body.

THE CHAIRMAN: Located where?

A. On Lakeshore road right now. They used to be at 1113 Queen street. We had considerable trouble in the shops and the men were very dissatisfied. I might say in our shop, the U.A.W., nor any other organization of any description came to that shop to try to organize it in any way, shape or form. The men were so darned disgusted with it that they went to the U.A.W. in order to get a union in there. It first started a year ago. After that there were two men laid off incidentally.

We finally got hold of Mr. Paul Siren, an international representative now in the armed services. We got hold of him in some way or other. I do not know, myself, just how it worked out. We asked if the U.A.W. could be introduced into the shop, and the answer promptly was "No, we do not want any unions at all." This was three or four months ago. The shop finally worked up until there were approximately seventy-five or eighty per cent in the union. We tried to get a vote with the shop and we could not. Mr. Paul Siren got in touch with the Hon. Mr. Heenan and with the Department of Labour in order to try and arrive at an agreement that a vote be taken with an outside member or somebody who did not have anything to do with it to go in and sit down on the vote.

Right after that, when they found out the vote was going to be taken, two days before the date of the vote there was a nickel raise went around to the entire shop. Myself being chairman, and two or three other members, being the financial secretary, and one thing and another, got a little higher than that. The day of the vote there was a vote slip put up on the Board as to who we should vote for. The ballots were marked "U.A.W. vs. Shop Committee." That shop committee was non-existent. There was no such darned thing as a shop committee, except the manager himself, a single person. He was willing to set up a shop committee, not the men. The men of the shop were being constantly intimidated before and after the vote. I might say the intimidation got extremely bad, and it reached such a stage that there was one man there who was the financial secretary of our local, in fact, and who had three fingers off one hand and two fingers off the other, which happened, I presume, through his working operations in the same shop. The superintendent came around to that man with a list saying that he did not want the U.A.W. there. This man weighed the two sides of the story. If he did not put his name down there, how could he get another job? The job he was doing was all right. He was in the blacksmithing



trade and the job was quite capable of being done by him even without the fingers he had lost. He thought again "If I do not sign it I am going to be out." Therefore, he broke down and he signed that slip. That was left in the office, I think, for approximately two or three days until after the vote. The vote was taken and we got the majority for the U.A.W. I might say around three-quarters or seventy-five per cent. The vote went all right in the first place, and then he did not want anything to do with us. We had trouble again and the production of the factory was going down considerably because the men were getting so darned fed up. I do not think they wanted to work at all. In fact, they did not work for that matter as they were getting so disgusted. I had all I could do to chase around there and keep them going with promises that something would be done as it was in the hands of the Department of Labour. I think it was the Hon. Mr. Heenan, or his secretary, who sat down at this discussion of the agreement. It was said at the first agreement to be effective. The signature was not put on for two weeks after. In the meantime this slip had been going all around the shop with this first man's name on it, who was a prominent man of the U.A.W. It was said "Look at this fellow here. He has even put his name on it. You know what is going to happen if you do not put yours on." There were men of the company who could not speak English, who were told to sign this paper and in their various ways they tried to explain they did not know what it was for. It was said, "Oh, it will not hurt you in any way, shape or form; just sign it; it is all right." They saw this man's name at the top of the list, and they signed theirs. This list got 90% approximately after the vote against the U.A.W. by their taking each man separately away from his Department or backing him up against the wall where he could not talk to anybody at all. I have facts to prove that, and can prove it. That was while we were at the first meeting with the bargaining committee on this agreement. That was at the time he was talking about this agreement. He was very satisfied with quite a few things, running down the list, and he said, "Well, boys, I think we had better stop for the day and finish it up a week from now." He got hold of somebody and stated, "I do not wish to have anything to do with you or your union, or anybody else." In saying that he flouted the government, itself, as well as the union, as that vote was determined by the government. Owing to the number of men who signed the paper in this manner they broke off negotiations. When the word got out that he did not want anything to do with us there were quite a few members who suggested they go on strike. At the time of that happening I was in bed. I had pneumonia. I got up on Monday morning to go down to see how things could be straightened out. There was nothing that could be done. The members sat down and said they wanted that agreement through. That was all there was to it. We were promptly helped out by the police. Having had pneumonia and some pretty hefty fellows on each side of me, I did not feel too happy. That business at the Wilson Motor Body was called a strike. We were forced out of the building over something we had already won. We had won the vote and the management should have sat down with us and gone over this and tried to make things go as smoothly as possible. This went on for a week and after that week was up the rest of the boys who were in the company were still union members and the day before this they went around and distributed another nickel raise. The boys decided they were trying to buy them out in order that those men who were out would stay out.

That was on the Friday previous to the rest of the men going out. During the week-end they must have figured that it was just a case of being bought off.

On the Monday morning we were confronted with a strike, the rest of the shop being completely out. I might say the rest went in but we had a heck of a time getting them back in because the manager of this company had given his word right on the platform in the shop that whoever won the vote he would stick by and see that everything went through all right. At a meeting we had on the Sunday night we tried to get the boys to come back to work—or, rather, on Monday night of the strike—but they would not go back to work for the simple reason that the management had absolutely let them down, flouted the government and us, and everyone else, and they did not give a damn what happened to us. They would not go on unless they had the i's and the t's dotted and crossed and all the lines ending with a period, and everything else. Paul Siren, I believe, went around to the Department of Labour and got it fully cleaned up for us and consequently we finally got the men to understand that the government would see that it was signed and that there would be no more trouble.

Since the signing of it the company has been very, I would not say congenial about it, but has been very adverse to it. At any meeting we have had so far they have practically told us to go—some place, you know. Relations are still strained due to attempts of the company to violate the contract which was signed, and which I would say was very fairly signed. I think Mr. Fine was there. Also, after that, he had to get his lawyer down to look it over, and everything else, before we could finally get it signed. There is still ill-feeling there.

The day the boys went back to work, when they were finally called back, or when we managed to get them to go back—remember, it was a lot harder to get the rest of them to go back than it was to fetch them out, or, rather they had to come out—I may say that in three days we had fetched production up to normal. To date, we on the car door body line, on which line I work, and which line is a complete union line, we have progressed from thirteen to fourteen bodies up to twenty-three. I think in that case a Bill of this kind would stop all this strike business, which is really the fault of management in saying that they will abide by it, when they turn around and say they will not.

Thank you.

MR. BURT: Gentlemen, if I may continue with my brief:

“Any bona fide labour organization prepared to establish that it has a substantial membership in a plant should be able to apply to the Department of Labour for a vote to be taken in that plant to determine the exclusive bargaining agency.

We urge that a union should be certified as the sole collective bargaining agency immediately it receives a majority of the votes cast. We have found in the past that because of the continuing fear by employees if they exercise their right to choose a genuine union, a number of employees wait until the union has been chosen before designating it as their bargaining agency. A residue of that fear, the result of many years without collective bargaining protection, may still remain for some time even after passage of the proposed Bill.

We believe that the psychological, moral and economic benefits of a

Collective Bargaining Bill have been well expressed and outlined before this Committee by many other unions representing hundreds of thousands of workers, including the Canadian Congress of Labour and the Trades and Labour Congress of Canada

We believe that the framework of such a Bill as outlined by them together with the suggestions advanced by the Hon. Peter Heenan, form a basis for the passage of legislation which clearly guarantees the right of collective bargaining and union recognition and its effective enforcement.

To-day Ontario has an opportunity to profit from the experience of other countries of the United Nations and enact a measure which will assist in introducing an era of harmonious management-labour relations to effectively serve in the critical years of both war and peace. We are hopeful that the Committee will measure up to the responsibility and opportunity which rests with its members."

That concludes the brief, Mr. Chairman.

I might say we have a large number of petitions which have been signed by various employees. I have an envelope full here. I imagine you have some of them.

MR. FURLONG: We have quite a few of them.

EXHIBIT NO. 154: Petitions.

EXHIBIT NO. 155: Petitions.

EXHIBIT NO. 156: Petitions.

MR. BURT: There are some further people here from Brantford.

Finally, I may say we endorse the thirteen points of the Hon. Peter Heenan, Minister of Labour, and feel he has had the experience in the field, along with his conciliation staff, necessary to know about this matter, and the points which he has outlined form a real basis for a Collective Bargaining Bill. We are prepared to endorse the Hon. Peter Heenan's suggestions.

I have nothing further to say, unless there are some questions of the Committee, or some questions someone else would like to ask of me.

THE CHAIRMAN: Have any of the members of the Committee any questions of Mr. Burt?

Apparently they have not, Mr. Burt.

Thank you very much.

MR. FURLONG: We are now ready to hear from the C.C.F. Trade Union Committee, represented by Mr. Dowling.



## C.C.F. TRADE UNION COMMITTEE

F. W. DOWLING, sworn:

MR. FURLONG: Q. Would you like to sit down in a chair?

This organization of yours is called The Co-Operative Commonwealth Federation Trade Union Committee?

A. That is right.

Q. Is that a union or a political party?

A. Well, it is a political party. It is the labour branch of a political party.

Q. How many unions have you affiliated now?

A. I believe there are nine local unions.

MR. MACKAY: Q. Affiliated with the C.C.F.?

A. Twenty-three, I am sorry.

Q. Affiliated with the C.C.F.?

A. That is right.

THE CHAIRMAN: May I remind you, sir, you are under oath.

THE WITNESS: Can I call on other members of our Committee who are more familiar with these figures?

THE CHAIRMAN: Certainly.

MR. FURLONG: Q. How many members are there in those locals?

A. I would like to call on Bro. Furnerfull, who has been elected as spokesman before this Committee. He can answer these questions. He has the figures.

MR. NEWLANDS: Give the Committee the names of the unions which are affiliated with the C.C.F.

THE WITNESS: I will call on Bro. Furnerfull.

THE CHAIRMAN: Very well.

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WILLIAM FURNERFULL, sworn.

THE CHAIRMAN: What is the C.C.L.

A. Canadian Congress of Labour. This committee is a group of unions from the C.C.L., that is, the Canadian Congress of Labour and the American Federation of Labour, and one Railroad Union which is an independent union.

Q. Which railway is that

A. It is the Brotherhood of Railway Car Men.

MR. NEWLANDS: Q. What is that?

A. The Brotherhood of Railway Car Men. It is an A.F. of L. affiliate. There is another one.

Q. Read them.

A. There is the National Union of Carpenters, which is C.C.L.; the next is the Capmakers of the Millinery Workers Union, which is an A.F. of L. affiliate; then there is the International Upholsterers, which is an A.F. of L. affiliate; the Amalgamated Lithographers of America, which is an A.F. of L. affiliate; Shoe and Leather Workers Organizing Committee, which is a Canadian Congress of Labour affiliate; the International Ladies Garment Workers Union, and there are several locals comprising this International Ladies Garment Workers Union, four of them, and they are an A.F. of L. affiliate; the Handbag Workers, which is an A.F. of L. affiliate; the Canadian Brotherhood of Railway Employees, which is a Canadian Congress of Labour affiliate; the Brotherhood of Railway Car Men, which is an A.F. of L. affiliate. I made a mistake there. Then, the Hat Workers Union, and one of the locals is an A.F. of L. affiliate; the Typographical Union is also an A.F. of L. affiliate; the Amalgamated Clothing Workers Association, which is a Canadian Congress of Labour affiliate; Lever Bros. Packinghouse Workers Organization Committee, which is also a part of the Canadian Congress of Labour; the Canadian Electrical Trades Union, Branch 1, which is a Canadian Congress of Labour affiliate; the Toronto Printing Pressmen, American Federation of Labour; the G.B.R.E., also a Canadian Congress of Labour affiliate; the Textile Workers Organizing Committee, which is a Canadian Congress of Labour affiliate; the United Steel Workers of America, a C.I.O. affiliate, which I believe also is with the Canadian Congress of Labour; the Shoe and Leather Workers, which is a Canadian Congress of Labour affiliate. Those are the affiliated members of this committee. Then we have several other unions which endorse the policy of the Trades Union Committee of the C.C.F. I would like to point out this fact in connection with this Trade Union Committee. It is a committee of these different unions affiliated with both Congresses with the C.C.F. to further the Trade Union policy.

MR. MACKAY: Q. How are they affiliated? Do they just support you? Is that what you mean?

A. No. They have a regular affiliation fee, those who are affiliated.

THE CHAIRMAN: Q. You mean the affiliated pay the fee to the C.C.F.?

A. Yes; that is, the Trade Union section.

Q. Do they take votes as to which political party they support?

A. Yes. The majority committee vote the same as any other democratic workers.

Q. It is not 100% then? You might have 41% in favour of the Liberals and 49% in favour of the Progressive-Conservatives. Each union will take a vote and say "We support the C.C.F. or the Tories or the Liberals."

A. Yes.

Q. Then, it is the majority which rules?

A. Yes, it is the majority which rules

Q. However, I do not know much about politics.

A. Then we have four other organizations which endorse the policy—that is, the policy of the Trade Union Committee—namely, the Pocketmakers Union, which is an A.F. of L. affiliate; the Toronto Street Railway, which is an A.F. of L. affiliate; the Millinery Workers, which is an A.F. of L. affiliate; and the A.C. W.A., which is a Canadian Congress of Labour affiliate.

MR. FURLONG: You have submitted an Act. You had better proceed.

THE WITNESS: Yes. That is the privilege which has been given to me.

Q. Then, will you proceed with your statement?

A. Yes. This Act has been drafted and I think according to the evidence questions submitted before this Committee. This Act will put in concrete form the desires of most of organized labour in this province. The points which have been brought forward by the Minister of Labour are practically covered in this draft of an Act. It is only a draft for guidance. We have had a great deal of discussion on it and we do honestly believe that some such Act in some such form as this will meet with the approval of organized labour as a whole, and also unorganized labour, I believe, will agree to the provisions of this Act. This draft Act is called the "Ontario Labour Act".

MR. NEWLANDS: Q. You are a little late. We had one here yesterday.

A. Well, we have to take our turn.

"WHEREAS the present struggle against world Fascism requires the utmost productive effort of industry in Ontario;

AND WHEREAS the well-being of the people of Ontario after the conclusion of the war also depends upon industrial democracy and the organization of workers into unions of their own choice;

AND WHEREAS there have been obstacles to such industrial democracy in Ontario, including the open and tacit refusal by certain employers to accept the procedure of genuine collective bargaining;



AND WHEREAS effective machinery to enable and enforce collective bargaining is essential to promote the utmost productive effort and to remove causes of fear, insecurity and industrial strife in Ontario;

IT IS HEREBY DECLARED to be the policy of the Province of Ontario to encourage the practice and procedure of collective bargaining and to protect the exercise by workers of full freedom of association, self-organization and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment, or other mutual aid or protection.

THEREFORE BE IT ENACTED by the Lieutenant-Governor and Legislative Assembly as follows:—

1. This Act may be cited as The Ontario Labour Act.

2. *Definition section.* Define person, employer, employee. Employee to include any individual whose work has ceased as a consequence of or in connection with any current labour dispute or because of any unfair labour practice; also to include provincial and municipal government employees, employees of government boards, Crown companies and public commissions; teachers. Define unfair labour practice. Define trade union; labour organization; labour dispute. Define company union as follows:—

This particular point has been brought before you very forcibly by a great many organizations—in fact, I think by nearly all the organizations—which have appeared before you, and they have particularly made this point of a company union and what shall constitute a company union. We say this:

“A company union shall be any organization of employees over which an employer, or his agent, directly or indirectly exercises any control or domination, or to which an employer or his agent contributes or has contributed financial or any other support.”

I think, gentlemen, that pretty well embraces the opinion of all the people who have appeared before you in respect of this particular subject.

THE CHAIRMAN: I do not agree with you.

MR. FURLONG: Q. What about if they give them a room in which to meet? Would that make them a company union?

A. Well, it does in a way, that it puts upon the employee, you might say, some sort of coercion.

Q. Suppose they ask for it?

A. If the employee has asked, it is a different matter altogether because it is, after all, in accordance with the wishes of both parties and I assume it would be reasonable in that case.

Q. Then, you have asked that “except where done at the wishes of both parties”.

A. It could be, but, as this was discussed by us, this is the way it was given to me to put it in the Act.

THE CHAIRMAN: I am glad you did, because it just shows the difficulty we have. Mr. Hagey asked some representative here, I think it was Mr. Mosher, and Mr. Mosher said, I think, he would not consider that a company union. Mr. Hagey asked him if the company paid any of the regularly elected employee representatives their wages while they were engaged on the company business and I think Mr. Mosher agreed that was not supporting . . .

A. That is quite so.

Q. I notice you have said, Mr. Furnerfull, "or any other support". I think you will agree with me that is pretty broad: "or any other support". That would be a fine thing for the lawyers. That would go all through the courts, I suppose.

THE WITNESS: Coercion could be coercion in various degrees. It could be so construed as intimidation at times. We endeavoured to so word it that there would be no possible chance of coercion or intimidation. After all, you will excuse me but this is just merely a draft of what we wish or what we think crystalizes the opinion of labour, just as a matter of guidance.

Q. Well, you see, here we had a man representing five thousand employees of the Bell Telephone Company of Canada and he told us that as a result of an agreement arrived at between the democratically and secretly elected representatives of their own union, that arrangements had been made and that the company did certain things. If that definition of a company union were allowed to stand it would rule those men out of a legal existence. They said that is the last thing they wanted, that they wanted to be left alone, that they have got along harmoniously for twenty-three years without any trouble at all. You would not want five thousand fellow workers kicked out?

A. No. I think that would be hardly fair. We were trying to be very definite. That is the reason we have been so definite in this particular paragraph, because it is a very difficult thing at times to define what is coercion and what is intimidation.

May I go on with the next paragraph?

Go on.

A. Thank you.

"3. *Constitution of Board.* There shall be a board known as the Ontario Labour Board composed of three members appointed by the Lieutenant-Governor-in-Council. At least two of such members shall be persons in good standing in a union."

MR. DEACHMAN: May I ask a couple of questions?

Q. Why the appointment of three members, of which two shall be members

of a trade union, giving to yourselves a special privilege in the control of the board. My second question is . . .

THE CHAIRMAN: Let the witness answer your first question.

THE WITNESS: We felt this way, that labour members are peculiarly adapted to understand labour conditions and labour issues, and another reason was that the Government in power, whoever decides upon this Bill, or makes this Bill an Act, would naturally enough put men of integrity in that position and men who would wish to be fair and reasonable. As we say, from our point of view, a labour man is the only man who could really appreciate the points of labour. That is what we believe, anyway.

Q. On the same basis, an employer is the only one who can understand the conditions of the employer. He might demand two representatives because they would be able to deal more favourably with the employer. It seems to me that it is a case of, As the twig is bent, the trees incline, so you wish to secure members who shall be brought up in the traditions of the trade unions and therefore shall decide under the conditions of their preference.

A. As far as the question of two members is concerned, as I said before, the Government would naturally appoint men who are known to be of integrity on that particular point.

MR. NEWLANDS: Q. Why do you say "two"? Why do you not say "three"?

A. I do not think three are necessary any more than two.

Q. Two would dominate the board all the time.

A. Why not have three?

THE CHAIRMAN: I think the witness is giving his evidence very fairly.

MR. FURLONG: I suggest that he be allowed to read through the whole paragraph before we ask him about it.

THE CHAIRMAN: Read the whole thing and then we will cross-examine you.

MR. DEACHMAN: After all, when there is any question which involves an increase of cost or an increase of wages the consumer is the ultimate one who pays for the increase and I suggest it might improve this Act if in some way provision could be made for a representative of the consumer in an agreement of this kind to represent the poor fellow at the end of the line who foots the bill.

THE WITNESS: This is merely an Act for the setting up of collective bargaining. It has nothing to do with industrial disputes; it is just merely an Act to give organized labour a chance to organize free from coercion.

Q. It increases your bargaining capacity or you would not ask for it.

A. I hardly think so under the terms of the Act itself. Collective bargaining does not do that; it merely legalizes collective bargaining for the employees.



MR. MACKAY: Q. Was the Trades and Labour Council or the Canadian Conference of Labour consulted when you drew up this Bill?

A. No, but we affiliates drew this up and this was submitted to the different members although as I say, it was just the members of this section who drew up the Bill.

MR. FURLONG: Q. The Trades and Labour Council and the Congress of Labour have made representations here through their parent bodies and they were different from this. I hope the affiliates know what they have done.

A. I continue to read from the Bill:

"The members shall be appointed for a term of three years and shall not be removable except for neglect of duty or malfeasance in office. The salary of the members of the Board shall be \$                      and the members of the Board shall be eligible for reappointment."

MR. MACKAY: Q. What would be the position if those two members were not in good standing in their union? What would happen then?

A. If you follow it through, the whole part of it, you will see.

THE CHAIRMAN: Gentlemen, we have received word that there is a division in the House. I am afraid we will have to declare a recess here for ten or fifteen minutes.

Whereupon, on the direction of the Chairman, the Committee recessed, from 3.25 p.m. until 3.40 p.m.

On resuming:

THE WITNESS: I will proceed, again, with the Bill:

"The Board may appoint an Executive Secretary and such attorneys, examiners, regional directors and other employees as it may from time to time find necessary for the proper performance of its duties. The Board may establish and use regional, local or other agencies and utilize voluntary and uncompensated service as may from time to time be needed. The principal office of the Board shall be in the City of Toronto, but it may meet and exercise any or all of its powers in any other place in Ontario. The Board may by one or more of its members, or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of Ontario, and such member or members or appointees of the Board shall, when prosecuting such an inquiry, have the powers of and be subject to the duties of a person appointed to make an inquiry under The Public Inquiries Act.

4. The Board shall have power to make rules and regulations to carry out the provisions of this Act.

5. Rights of Employees. Employees shall have the right to organize

in and to form, join or assist labour organizations and to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.

6. It shall be an unfair labour practice for an employer

(a) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in Section 5;

(b) to promote, assist in the promotion of, recognize or in any way deal with a company union;

(c) to dominate or interfere with the formation or administration of any labour organization;

(d) by discrimination in regard to hire or tenure of employment or any term of condition of employment, to encourage or discourage membership in any labour organization, subject however to the right of an employer to enter into an agreement with a labour organization not being a company union and to require as a condition of employment membership therein, if such labour organization is representative of the employees as provided herein;

(e) to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act;

(f) to refuse to bargain collectively with the representatives of his employees designated under the terms of this Act, whether or not such representatives are in his employ;

(g) to maintain a system of industrial espionage, or employ or direct any person to spy upon or report the proceedings of a labour organization or the officers thereof, or in the exercise by employees of the rights provided by Section 5 hereof.

(h) to threaten to, or to discharge, demote, transfer, blacklist or impair seniority rights of any employee in connection with the exercise by such employee of the rights conferred by this Act;

(i) to threaten to shut down or move a plant in the course of a labour dispute;

(j) to interfere in any manner with the conduct of an election of an officer or officers of a labour organization or union or of the representatives of employees;

(k) to offer or to give bribes or gratuities, or otherwise engage in acts of favouritism, in return for cessation of union activities or the commencing of anti-union activities;

(l) to enter into negotiations with or to solicit individual employees to

cease union activities, or to resign from the union, or to refrain from striking, or to join a company union."

I think that speaks for itself.

MR. FURLONG: Yes, I think so.

THE WITNESS: continuing:

"7. (a) The representatives designated or selected for the purposes of collective bargaining by the majority of the employees in the unit appropriate for such purpose shall be the exclusive representatives of all employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment.

(b) The Board shall decide whether the unit appropriate to effectuate the policies of this Act and for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof.

8. Complaints from any labour organization or employer shall be submitted in writing and sent by registered mail to the Board."

THE CHAIRMAN: Paragraph 7 (b) is very interesting. You recognize the segments of a big organization.

THE WITNESS: Yes, that is recognized there. As a matter of fact, this draft Act here would give the right to any bona fide organization irrespective of whether it is an independent union, providing it is a bona fide union or whether it is an A.F. of L. or C.I.O. It does cater to all branches of labour in a bona fide way. The only thing we object to in it is a company controlled union.

"9. The Board shall determine, after notice by registered mail to an employer and to any labour organization affected, the facts in regard to any complaint made to it that an employer or employers have been guilty of unfair labour practices and may make orders either dismissing such complaint or requiring the employer or employers to refrain from such unfair labour practices where such practices have been, or are, in the opinion of the Board, likely to be committed. The Board shall also be empowered to make affirmative orders, including orders to treat as void any agreement with a company union, to disestablish any company union, to enter into negotiations with and sign a written agreement embodying terms of agreement with the representatives designated by the majority of employees for a unit, as set out in paragraph 7 hereof."

MR. FURLONG: Q. That is a compulsory agreement.

A. In addition to that, as a part of paragraph 9 we also have this included:

"and power to order reinstatement with pay for all employees discharged as a result of unfair labour practice."

That is, in addition to paragraph 9. Then, continuing:



"10. Should the labour organization or the employer desire to submit evidence in connection with any complaint made to the Board, such evidence shall be in writing and in possession of the Board within fifteen days after notice of complaint has been received. The Board shall render a decision against the person or organization failing to comply with this requirement. The Board shall render its decision within thirty days after complaint is made to it.

11. The order of the Board shall be sent by registered mail to the parties concerned forthwith after the making thereof and shall be filed in the Registrar's Office of the Supreme Court of Ontario in the county in which the unfair labour practice took place, or is alleged to have taken place, or at the Central Office in Osgoode Hall in Toronto. Such order shall, after the expiration of ten days from the date of filing, be deemed to be confirmed and binding unless an appeal has been taken therefrom in accordance with the provisions of this Act."

Now, we go on to the appeal, in paragraph 12:

"APPEAL

12. Any employer, employee or labour organization affected by an order of the Board may, within ten days from the date of filing of such order, appeal by notice in writing, setting out the grounds of such appeal, to the Court of Appeal of Ontario. The appeal shall be heard, if possible, in the month filed, but, if not, in the following month by a single Judge of the Court of Appeal of Ontario designated for the purpose by the Chief Justice of Ontario. Such appeal shall not be on the facts or on the merits and the appeal shall be dismissed unless the Judge finds:

(1) The Board has acted outside the statutory jurisdiction conferred on it;

or

(2) The Board failed to give the employer or labour organization affected a fair and reasonable opportunity to present a case to the Board;"

You will notice there we are trying to be fair with it. It gives both the employer and the employee a chance.

"(3) The Board acted from bias or other improper motives."

MR. DEACHMAN: The onus of the proof would be on the appellant in each case and it would be an extremely difficult matter to say the Board had acted outside its jurisdiction in a matter of that kind. It would be still worse to say that the Board had failed to give an employer or a labour organization a fair opportunity to present the case to the Board. Even the most prejudiced Board would make that absolutely useless, and it would be also impossible to prove that the Board had acted from bias or other improper motives. At the same time, there is no appeal on the merits of the case.

MR. FURLONG: That is something for the Committee to determine.

MR. DEACHMAN: I think it goes further than that.

MR. FURLONG: This Committee will take into consideration the terms of this Bill.

MR. DEACHMAN: It would be up to the men who approve it not to show bias themselves in writing the Act.

MR. FURLONG: You are on the list to be heard a little later, so you will have a chance to cover this whole matter.

MR. DEACHMAN: I heard others speak on previous occasions here at this meeting and ask a number of questions. I did not know the fact a man appeared later prevented him from asking questions in a proper manner of other witnesses.

THE CHAIRMAN: We established as a little practice here permitting anybody representing an organization to ask questions of any witness and if the witness cared to answer he was entitled to.

MR. DEACHMAN: Quite. I have enjoyed being in on the sittings of this Committee very much. I thought you were very fair and impartial.

THE WITNESS: I will again continue:

"In the event of such finding, the Judge may remit the case to the Board for re-hearing or dismiss the application to the Board.

#### ENFORCEMENT

13. After an order of the Board is confirmed, or if the order is under appeal but the Minister of Labour has directed that it be binding and effective notwithstanding the appeal on the ground that the appeal is for the purpose of delay or otherwise frivolous, or that for any other reason the order should be promptly enforced, then such order is to be equivalent to a judgment of the Supreme Court of Ontario and any person refusing to comply with the same or aiding or abetting any person in non-compliance with the same, in addition to all other penalties or procedures for contempt of court, shall be guilty of an offence punishable on summary conviction by a fine of not more than One Thousand Dollars (\$1,000.00) and/or imprisonment for a term not exceeding one year.

#### COMPULSORY PAY DEDUCTIONS OR CHECKOFF

14. Deductions shall be made by an employer from the wages of employees for periodical payments to a union."

THE CHAIRMAN: I do not think there is much use of taking your time or the time of the Committee and anyone else, because no one except in two isolated small cases has asked for the checkoff. I am sure the Committee will not enter-

tain it. No one has asked for it except your own organization and two isolated, small groups.

MR. DOWLING: Our organization has asked for it. It is no small organization. It is one of the biggest in the country.

THE CHAIRMAN: I can assure you right now that we are not going to incorporate it in any recommendation we may make to the Legislature.

MR. DOWLING: I am objecting to your statement that there are only two small organizations.

THE CHAIRMAN: I said outside of your organization.

MR. DOWLING: I happen to be a representative of the Packinghouse Workers Union, which is no isolated union.

THE CHAIRMAN: That is one, but there was another one, which I have mentioned.

MR. DOWLING: I am just objecting to your statement that there were only two small unions, because we consider ourselves one of the biggest unions. The biggest ones did not ask for it.

THE WITNESS: I believe my union would be mostly in favour of it, as far as that goes; that is, the Street Railway Union of the City of Toronto. I think a great many of them would agree to it.

THE CHAIRMAN: I think one of the people who did ask for it admitted to Mr. Furlong that in the end it would be a matter probably which might better be left to an agreement between the employee representatives and the management.

THE WITNESS: Yes. It does not make it absolute that a person has to belong to it.

"(a) If the officers of such union make application to the Minister of Labour after the taking of a vote of the union membership to ascertain the wishes of the union membership in respect of such deductions and a majority of the union membership, upon such vote, are in favour of making such deductions. The employer shall then make such deductions from the wages of all union members, provided however, that any individual member may make written request to the employer that such deduction shall not be made from his wages."

So, the individual still has the right not to have his wages checked off.

MR. FURLONG: Q. If you have made it lawful for the contracting parties to include that in the terms of the contract, then you have practically what this provides.

A. I just wanted to point out that particular fact, that it imposes nothing on anyone, because the individual can still object.



MR. DOWLING: This is a point on which I feel pretty strongly. We want to go further than to make it permissible; we want something in the Act which says the employer is compelled to do so if requested by his employees. We are now in negotiation with one of the biggest employers in the United States. Out of nine hundred employees, eight hundred and ninety have petitioned the company to check-off their dues as a convenience to the union. It costs us considerable money going around and collecting dues every month. This company checks-off for everything—for the Red Cross, for the Community Service and Employees' Benefit Association, and it grants that privilege to its employees in the United States. In the United States it is the Swift Company which checks-off its dues. In Canada, it refuses that privilege to its employees. When you have over eight hundred out of nine hundred employees wanting this, we think the employer should be compelled to do it.

THE CHAIRMAN: I think I can give you in twenty minutes all the arguments advanced by the heads of the biggest labour organizations in America in opposition to it.

MR. DOWLING: I wish you would tell me of one.

THE CHAIRMAN: One of the very first reasons is that when it gets it, the union loses its enthusiasm; the organizers have not any work to do; they can sit back, draw their dues and all enthusiasm for the union ceases. That is one of the first arguments they put up. I could go on and give you many more, but on account of the amount of time we have left for this session, I hesitate to do so. There is only your organization and the other two organizations I mentioned who have asked for it. It would not be wise or sensible for us to recommend any such thing to the Legislature.

MR. DOWLING: I would like to answer that, because I do not agree that the purpose of a union is to collect dues. We are organized to benefit the workers in that industry and if we have to spend all our time and keep up our enthusiasm by collecting dues, we should not allow a labour organization. We exist for the benefit of the people inside the plants. We do not want to waste our time collecting dues, but to spend it in a more constructive way. I do not see any force in that argument. I would like to know the name of the labour organization who advanced it. Probably it was one of the company unions.

MR. MACKAY: The first time this collective bargaining Bill was being brought up I had a conference with representatives in Hamilton of the main executive office and they were unanimous in saying that they were not particular about the check-off. I speak of the A.F. of L. representatives.

THE WITNESS: We realize it is a contentious dispute. That is the reason why we put it in the Act, because it does protect the right of the individual.

THE CHAIRMAN: Here is the case of Mr. Mosher, the President of the C.C.L., embracing the C.I.O., and so on, and Mr. Sullivan, representing the American Federation of Labour, the two biggest organizations. . . .

THE WITNESS: Yes.

THE CHAIRMAN: . . . and neither one is asking for it.

THE WITNESS: Because it is a contentious dispute. You are asking for our opinion, representing as we do, approximately fifteen thousand. . . .

THE CHAIRMAN: I was trying to save time pointing out there was not much use of discussing it because none of the members of the Committee are in favour, because they have not been asked for it up until you came.

THE WITNESS: Then, let me continue:

"15. Nothing in this Act shall be construed as interfering with or impeding or diminishing in any way the right to strike.

16. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstance other than those as to which it has been held invalid shall not be affected thereby."

I think that is all. Thank you very much for bearing with us.

MR. FURLONG: Are there any further questions?

THE CHAIRMAN: I think you have presented it very fairly.

I think there are no further questions.

MR. DOWLING: If not, I wish to thank the Committee for hearing us.

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MR. FURLONG: Mr. Chairman, next we have the Sudbury Mine, Mill and Smelter Workers represented by Mr. R. G. Miner and C. Smith.

#### SUDBURY MINE, MILL AND SMELTER WORKERS

R. G. MINER, sworn.

Mr. Chairman and gentlemen of the Committee, before I proceed with my brief, I would like to point out that the workers of Sudbury are proud of the democratic fashion in which their organization functions. Possibly, as you know, more than three hundred delegates were elected in Sudbury to present this brief. It is a vital issue in Sudbury.

THE CHAIRMAN: Q. Are they all here?

A. Unfortunately no. We hoped possibly the Committee could meet in Sudbury. We realize now that that is impossible. As a result, the four delegates representing Sudbury to-day are four miners, four workers in the nickel industry. Their names are Joseph Nowalkoski, John McCool, and C. Smith. Of course, I am included.

We realize there has been sufficient evidence placed before this Committee to convince the Committee there is dire need for collective bargaining

legislation. Our brief is to refute charges made by the United Copper Nickel Workers in Sudbury.

Q. Who was it submitted their brief?

A. I believe the name was Anderson.

MR. FURLONG: Mr. Anderson and Mr. Facer.

MR. JOSEPH NOWALKOSKI: Frank Anderson, Tom Moland and E. C. Facer, a lawyer in Sudbury.

THE WITNESS: With the permission of the Committee I would now like to present our brief.

"This is the brief for submission to the Ontario Legislature's Select Committee on Collective Bargaining as drawn up March 14th, 1943, by the stewards of Local 598, Sudbury Mine, Mill and Smelter Workers' Union from the various stopes and levels of the mines and the various departments of the smelters and refinery elected for this purpose and as instructed by the thousands of mine and smelter workers of the Sudbury Nickel district."

THE CHAIRMAN: Are they affiliated with any one?

A. With the C.I.O. in the United States and the Canadian Congress of Labour in Canada.

MR. NEWLANDS: Q. How many do you mean by "thousands"?

A. I am not in a position to reveal the membership of our union, but, when I say "thousands", it is no idle statement.

Q. "Thousands" takes in a lot of territory.

A. I agree with you.

MR. FURLONG: Q. How many employees do you represent in this industry? How many employees has the company?

A. Approximately eighteen thousand.

Q. Approximately eighteen thousand; and you have a portion of that eighteen thousand?

A. A large portion, I assure you.

"1. We wish to express our appreciation of the fact that the Select Committee were able to arrange to hear our delegates on short notice. The tremendous task of securing the views of thousands of miners and smelter workers will be realized by the Select Committee, and until this was done, the time and form of presentation could not be arranged.



2. The miners and smelter workers of Sudbury welcome the fact that the Government of Ontario is aware, as the Minister of Labour, the Honourable Peter Heenan, told the Canadian Congress of Labour Convention last September, that the chief cause of Labour disputes is the refusal of employers to recognize bona fide unions and bargain collectively with them. We welcome the fact that the Government recognizes the necessity of labour legislation on collective bargaining to give industrial democracy to the workers of this province.

3. In presenting the case of nickel district workers, we wish to stress the importance of having industrial harmony in the vital nickel industry at this time. We wish to bring to the attention of this Committee the facts of the situation in the nickel industry. In the establishing of a legitimate bona fide union with the aims and objects of bringing maximum production and reasonable working conditions we are faced with the vicious labour policy of a powerful corporation which has recently inspired the establishment of a company union known as the United Copper Nickel Workers.

It is the firm opinion of the workers of Sudbury district that proper collective bargaining legislation would be an asset to all industrial workers and the welfare of our country at this time. It would greatly facilitate the establishment of harmonious industrial relations and maximum production in the nickel industry.

4. It is well known that the Sudbury district is the main source of the United Nations nickel supply. This nickel is vitally necessary for victory over the barbarous forces of fascism. Without this nickel our chances of defeating military fascism would be almost hopeless.

The Government of Canada is subsidizing the nickel companies to the extent of over twenty-five million dollars to increase production facilities. This alone does not guarantee increased production of nickel and copper. We intend to show that production could be greatly increased by industrial harmony and union-management production committees.

5. When we say that increased facilities do not guarantee increased production, it is not an idle statement. It has already been proven in many industries that absenteeism—caused by general unrest of the workers brought about by the anti-labour policies of many employers, has greatly hindered production. Killing the enthusiasm for maximum production by these same anti-labour policies prevents full use of such facilities.

6. It has been shown in previous briefs that in the great majority of cases, Workmen's Councils, as such, very seldom attain true benefits for the workers. Management naturally endeavours to leave the impression that the Workmen's Council is actually obtaining benefits for the workers. Consequently, it is the usual procedure to make some slight concessions to the workers:—all day suckers, designed to temporarily pacify the employees, new lockers, renovated dry rooms, free soap and at all times, a willingness to listen to the pleas of the Workmen's Council. As the management always has the deciding voice, the pleas are futile.

In the Falconbridge Mine's Workmen's Council Constitution, for instance, it states that in the event that a grievance cannot be settled by the Council and Superintendent "the matter shall be presented to the Manager for definite settlement". This is not conducive to a favourable settlement of a worker's grievance.

7. The word "company" in the rest of this brief refers to Inco-International Nickel Company, and "company union" refers to "United Copper Nickel Workers".

8. The anti-labour policy of Inco as expressed through its tactics of fighting legitimate unions whether they be the Western Federation of Miners, A.F. of L., during the last war, the Metal Miners' Union of the Workers Unity League in 1928-29, or the International Union of Mine, Mill and Smelter Workers since 1936, is well known in the nickel district. Hundreds of company workers have been discharged for union or supposed union membership.

Present tactics of the company are the using of company bosses to try and build a 'union' around the so-called 'collective agreement' foisted on the workers through the channels of the welfare associations. The workers were never consulted on this, and the officers of these welfare organizations were never authorized even by these rank and file workers in the welfare associations to negotiate any such 'agreement', or to form the so-called union, the United Copper Nickel Workers. This so-called agreement was presented to the Central Committee of the welfare associations in the office of the general manager of the company, Mr. MacAskill, and through the officers of the Central Committee to the officers of the various welfare associations at a special meeting in Inco's building in Sudbury. The workers first saw the so-called agreement when issued in printed form as being signed for 'all production and maintenance employees of the Mining and Smelting Division and Copper Refining Division of the Company paid on an hourly or per day basis . . .', and without having had any part or word in the entire matter.

We have copies of minutes and sworn statements to this effect.

The U.C.N.W. have held meetings in and had use of company halls and buildings.

It is openly admitted and proven by the minutes of the Refinery Welfare Association meeting on October 31st, 1942, that the proposal of a Central Committee of Welfare Associations was turned down by Mr. MacAskill two years ago, and the establishment by the company of the Central Committee and the so-called agreement at this time is designed to offset organization of a bona fide union by their employees.

9. Upon the setting up of this company union the company intensified its campaign of discrimination against members of the bona fide union in the nickel industry, Local 598, Sudbury Mine, Mill and Smelter Workers Union. It is and has been using coercion, discrimination, demotion and discharge in its efforts to force workers into the company union, called the United Copper

Nickel Workers (U.C.N.W.). The fact that such tactics have to be applied clearly shows that it is not the desire of the workers to belong to such an organization and that they have no faith in it, realizing that they cannot accomplish anything through it. We also have sworn statements of cases of coercion, discrimination and demotion to prove our statements."

I would like to state at this time that it would be rather difficult to walk the streets of Sudbury without running into a man who had experienced discrimination.

The four delegates here have all had first class experiences of discrimination. We have a former member of our local now working in Hamilton who was one of our organizers and who was attacked and assaulted in the office last year. I would like to call on him, Brother Nowalkoski, to show you the lengths Inco will go to force a bona fide union out of Sudbury.

JOSEPH NOWALKOSKI, sworn:

Mr. Chairman, and members of the Committee, I was working for International Nickel. I started there in March of 1937 and worked there for four and a half years. The boys felt that they needed a union so we started to organize among ourselves the employees of the International Nickel Company. When I got into it in 1941, specifically in June or July, in the meantime I had to have two operations. I was an active member of the Local. We did not even have a Charter at that time, but I was an active member of our coming Local. At that time, I had two operations, and was off for six weeks. When I got back to work I was discharged for losing too much time. I knocked around town for awhile. I was discharged in August. The following March—I left town for a while—I came back in 1942 and they gave me a job out at Creighton. I went to work in March of 1942. In February the union office was smashed up in Sudbury; that is the union office on Durham Street.

THE CHAIRMAN: Q. You went to work when?

A. The following February, just about this time. The day the hall was smashed up there were four of us signed a telegram and some night letters which we sent to some members of Parliament. Within the following week, three of us were fired. I was not fired. My personal case was that I was laid off after working nine shifts. I passed all through the doctors' hands, all the examinations and everything else. They gave me a slip after working nine shifts which read "laid off". The reason was "hiring slip not approved". That was their reason for laying me off. One of the four of us who had signed these statements had been fired previous to that, so he was out anyway, but in the following week three of us who signed were fired by the International Nickel Company.

I left town in March of last year and went home for a while last year. I worked in McLeod-Cockshutt, in Geraldton and I came back to Sudbury. At that time they were spending thousands of dollars to get miners in Sudbury to go to work in the nickel industry. One of the boys wrote me to come back and I figured I might as well go down. I went into the Selective Service and said "I want a job. I am an experienced miner." They gave me a slip to go and see International Nickel. The fellow there looked me over and he said



"You worked here before?" and I said "yes". He said "You are an experienced miner?" and I said "yes". He said "We can send you to Creighton or Levack" and I said "I will go to Creighton". He could not find my file. Stewart came in and knew me as a union man and he spoke to this man who was talking to me and the chap came back and said "I am sorry I cannot give you a job." I said "Why? You just told me I could go to Creighton or Levack." He said "We have a lot of coal miners coming in and we will not need any more miners." I said "Quit giving me a line," and he said "You know why you cannot get a job with International Nickel as well as I do."

The Selective Service told me to get that slip signed "rejected". They would not sign it. The Selective Service could not do anything about it. I wrote to the Minister of Labour in respect of it and sent a few letters I had written to different Departments of the Selective Service. They wrote that International Nickel said that I had lost too much time and I was let out, but they would not tell me why I was laid off. They would not give me any satisfaction.

In the meantime there was a United Copper Nickel Workers meeting at the Inco Club at Sudbury. I went up there and talked things over. I said "Your company is looking for miners. You are a democratic company but a man cannot get a job." A man named Frank Shore, the representative from Copper-cliffe told me "You come here to-morrow and I will see about your job." I said "That is fine." I went there the next day and there was nobody around. I was out in the cold and could not get a job. They needed experienced miners and they would not give me a job under any circumstances.

I went to Falconbridge and they did not need any men there. That was the only other company there which was hiring miners at that time. I figured that if I stayed around town the law would pick me up on a vagrancy charge. I thought that was fine that I wanted to work if I could get a job. I knocked around, around Sudbury for two or three months doing nothing. Eventually I went out to Falconbridge in April, and that is where I am working to-day.

There are hundreds and hundreds of cases to-day and every day in the week. There were two or three cases came up to our local hall in Sudbury yesterday. A man got fired at Creighton, out there. He was a good union man. They are crying for nickel miners, yet they can afford to fire miners every day. I thank you.

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ROBERT G. MINER, recalled:

I would like to cite my case of discrimination.

I came to Sudbury rather well known to the International Nickel Company. I was president of Local 241, the Timmins Miners Union. The policy of our union has always been such that we adopted a total war effort policy regardless of how it affected anyone. We felt that there was no sacrifice which was too great. In Timmins, I have found out since the mine operators there are a little more lenient than they are in Sudbury. The reputation of International Nickel was that it was a very difficult problem to get or to obtain men to go to Sudbury.

The fact that the miners were not properly represented on the manpower advisory board had a lot to do with it. The union did its best to persuade men to go to Sudbury. There two hundred union men in Timmins who expressed their willingness to transfer to Sudbury. They were willing to give up a good job and comparative comforts and place themselves at the tender mercy of the International Nickel Company. They came to me as president of the union and asked me if I would interview the president of the International Nickel Company in Timmins to make sure that they would not have any difficulty because of union affiliations. I saw Mr. Buchanan of the International Nickel Company at a local hotel. At first he wanted to fight me. I did not intend to argue, as he was a bigger man than I in all ways.

THE CHAIRMAN: Q. He was trying to use his fists instead of reason?

A. Yes. The next day he phoned me and stated that he could give me assurance that we would not be discriminated against.

I transferred to Sudbury and International Nickel knew I was coming to Sudbury. I have reason to believe that the National Selective Service knew. I was employed at the Creighton mine. At that time I was an experienced miner with ten years mining experience, regardless of the fact that the Timmins Press stated that I was not fit to represent miners because I had no experience. I reported to the Creighton mine and I was immediately notified by my foreman that they had been waiting for my arrival for three weeks, that they had a place all ready for me. I repeat, I am an experienced miner. In Creighton they have old workings, rock which was broken so long ago that you find candle-sticks in the muck. Those are what they call open stokes. The first day they put me at the job of pulling the chutes. For the second and third days I did that. That is more or less of a job for a green hand. I did not object. The captain came to me and suggested that I should be up in a stoke as a driller. I pointed out to him that possibly there were other men who had been in the service of the company a greater length of time who were waiting for that job. He was going to put me in a stoke as a driller. The next day, the Superintendent came down and they said "Here is our big union man from Timmins," and the Superintendent said "As long as he can run that machine, I do not give a damn." The next day I went back to pulling chutes. The captain came down and suggested that if I were to keep my nose clean that there was no limit to the positions I could attain in the International Nickel. He pointed out that they needed stoke bosses, shift bosses and level bosses. They even put on three captains in a year. A captain makes about \$400 in a month. That is more than I would make if I broke my neck. Again I pointed out to him that International Nickel was such a large company with such a large number of men who had worked for such a long time that it seemed to me they should be given first opportunity on those jobs. He said "Well, do not forget we have ways and means of taking care of guys like you who do not keep their noses clean." The next job I got was working on an ore pass with a straight six hundred feet of nothing below me. The captain unfortunately was a crippled man and he had difficulty in getting around. This was a very difficult place to get in to. We had to drive through broken rocks on our hands and knees. The captain came in with the shift boss and he said, "Now, look miner, you should be an intelligent fellow. The miners in Timmins elected you president of their union. The miners in Sudbury may see fit to elect you to their executive board. It stands to reason that you have the con-

fidence of the miners." I thanked him very much and I was highly complimented. He said, "We are looking for men of ability and we are willing to give them a chance to advance. Apparently you have organizational ability." He said, "Our company union is no good for the simple reason that the men do not know what they are doing and therefore I would suggest that if you would take a position with the company, organizing an independent union, something not affiliated with that damn C.I.O., you could practically name your own salary. Spend a year in Sudbury and all your troubles would be over."

I had very great difficulty in getting living quarters for my family. There was a vacant apartment there. They asked me my name and immediately upon being told my name they apologized and said it would not suit me. The captain explained that I would never get a place in Sudbury if I was not for Inco. I moved from one apartment to another apartment across the hall and I could have moved my furniture on the backs of the cockroaches. I pay \$45.00 a month for three rooms. There was \$25,000 set aside to build houses for workers, but they built thirty-three houses for bosses out of the \$25,000 and the workers live in tents.

Men were coming from Porcupine and Kirkland Lake and trying to live up there and keep their families in Kirkland Lake on thirty-three cents an hour. When I went to the doctor with a cold, I told him I was working in a place which was half ice and half rock, which was true, and I am sort of allergic to the wet anyway, and he told me I could not return to work for three days. Other men who are hurt on the job are put on light duties. I had to take a three-day lay-off because I contracted a cold, for the simple reason that the International Nickel Company isolated me on the top levels. When I gave them my seven days' notice, I was left on three hundred level all by myself for eight days. I was the only man between the surface and six hundred level for eight days. I had nothing to do but sit there.

They are still begging for miners, but they would sooner advertise in Winnipeg for two thousand farmers than go to Timmins and say "Come down and we will give you a square deal."

I will now call on Brother McCool who will cite another instance of discrimination at the International Nickel Company.

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JOHN K. MCCOOL, sworn:

I started to work for the International Nickel Company in the fall of 1934. I was working in the steel shop in 1935. In 1936, I started to organize the International Union of Mine, Mill and Smelter Workers, Local 239, at that time. Then, International Nickel set up a bunch of company welfare associations. They held meetings in some of the halls in town there. Mr. Mood and the late Mr. Eager, who was at that time superintendent of Frood Mines, were there personally. They danced with the fellows and made a good showing amongst the boys and slapped them on the back, and all that sort of stuff. They got the company union formed by going around amongst the men at that time and having straw bosses and so on going amongst the men and asking them to



sign these cards. The first year they had these men appointed. The men had no choice in who was representing them the first year. They were appointed by the company officials apparently. I do not know any of the men who had anything to do with it, anyway.

The following year we had an election in the shop. We nominated and elected Bro. Whelehan to represent us in the steel shop. He was on the general committee that year. The following year he was elected again and sent back in on the Welfare Association as vice-president. During that term war was declared, the president of the Welfare Association joined up on active service and Bro. Whelehan was made president for the duration of that year. The following year he was nominated and elected again from the steel shop and a general committee nominated and elected him as president of the Welfare Association for Frood Mines. Bro. Whelehan was very active there and he brought in a lot of grievances from the men in his department and other departments, because they were going to be a little different than just fixing a light bulb and getting ventilation and other things straightened out. All they were interested in was getting you to put on hockey games, softballs and fights. They did not want you to bring up any real grievances of the men. If you did they would just try to get you off that committee.

In the fall of 1939 at the municipal election a bunch of us got together and we had Bro. Whelehan nominated to run in the municipal election. The day of the election he was called in, and Mr. Mood was in there and asked Bro. Whelehan to not run. He said "You are only going in there to try and upset the city council." Bro. Whelehan went ahead and ran. He was defeated in the election at that time. We carried on. International Nickel could see at that time that the men were dissatisfied with the conditions under which they had to work. Different welfare associations had tried to form a central committee previous to that, in the year 1939—or 1940, Bro. Whelehan? In 1940, they tried to form a central council. International Nickel would not stand for that at all. They thought the employees were going to become too strong. In the company elections of the Welfare Association in the spring of the year in the Frood mines six of us were moved out of our jobs, four transferred to the Creighton mine, and two transferred to the open pit. They held an election in the Frood steel shop, the plate shop, the machine shop and the rigging gang in the Frood Mines Welfare Association at that time. Previous to this all these different departments had their own representatives elected in each department. This year they doubled three or four up. At this time I was transferred to the Creighton mine, but I still have information of what went on during this election. There were two of the men from the Frood Mine steel shop who were called out and warned that if John Whelehan was elected as representative of the Frood Mine steel shop they would get the same thing as these other fellows got, that they would be sent to Creighton mine, too. The election, I understand, had been set for the 17th of April. Bro. Whelehan was on his holidays and was to be back on the 15th of April at that time. They had the elections on the 11th of April. Previous to that we had a closed ballot, a secret ballot. At this time they had the elections in the plate shop. The straw boss from the steel shop, who is now foreman in the steel shop in Levack Mine, and the other men who participated in seeing that the election was carried on, was foreman of the plate shop and the machine shop at Frood Mine, and now he is out at Creighton mine as master mechanic at one of the lower levels, I understand, held this election by a showing

of hands. On the showing of hands Bro. Whelehan was elected. Then I do not know whether it was this master mechanic or Art. Moran—

THE CHAIRMAN: I do not wish to hurray anyone, but can you not make your point quicker, Mr. McCool?

THE WITNESS: This is all part of what has taken place. This is part of the case of discrimination. I would like you to know what went on through this whole procedure.

THE CHAIRMAN: All right.

THE WITNESS: Then they had a vote by a secret ballot. On the secret ballot Bro. Whelehan was defeated. It was the foremen who were the ones who counted the ballots.

Q. Pardon?

A. The foremen were the men who counted the ballots.

THE CHAIRMAN: It may be a secret ballot, but how about the counting? Is that secret?

MR. FERLONG: We are here to investigate collective bargaining. This goes to show the troubles you have had or you have in regard to discrimination. After all there have been troubles on both sides. Can we not get on with your brief in regard to collective bargaining?

THE CHAIRMAN: We know there have been difficulties.

MR. MINER: I am only one member of our delegation. I will have to abide by the decision of the delegates. If the delegates feel these cases should be heard I am afraid we will have to abide by their decision.

THE WITNESS: We do not think it will take much longer now.

THE CHAIRMAN: We heard from Mr. Nowalkoski.

MR. ANDERSON: All of you have the same evidence to give?

THE WITNESS: No, not quite the same.

THE CHAIRMAN: Were you here earlier? Mr. Burt was here and during the presentation of the brief of the organization he represented he called several men to show rank discrimination on the part of different employers and what had been done to them.

MR. MINER: Our main purpose here is to refute the charges made by the United Copper Nickel Workers. We have access to nothing in Sudbury. We have no access to the newspapers, to the radio and so on, and we cannot even hire a theatre. We have a contract here which was cancelled by the Famous Players Company under pressure from the International Nickel Company. We

have no possible means of advancing these charges but that of appearing before this Committee.

MR. ANDERSON: In other words, the company will have nothing to do with an outside union?

MR. MINER: The company will have nothing to do with anyone who is on it. I was in a position to bring hundreds of miners from Timmins, but, rather than treat me fairly, so these miners might be encouraged to come down, they isolated me from the rest of the men in the mine, and I could not even get a place in which to live, so it would discourage anyone else from coming.

THE CHAIRMAN: Go on, Mr. McCool. I am merely pointing out I do not think you need to convince the Committee that there have been thousands of cases of rank discrimination, which we think may be short-sighted. On the other hand, we are told that men deliberately slowed down. We have both sides of the matter. We have heard a lot about that, but we do not wish to choke anyone off.

THE WITNESS: You have not heard anything from Sudbury, only Bro. Nowalkoski.

I was transferred to Creighton mine with three other men. On the transfer they had "Required at Creighton mine". When they transferred us four men out they transferred four men from the Creighton mine steel shop in to the Froid mine steel shop.

Q. They were not Labour men?

A. Well, they were not supporting Bro. Whelehan at that time.

At the time the office was broken up I was one of the men who signed the telegrams on the 24th of February. The office was smashed up and there were four of us who signed telegrams. On the 4th of March, around eight o'clock in the evening—and I am not just positive about the time—the superintendent and a master mechanic at Creighton mine walked into the steel shop. We were sitting down at the time waiting on the temper man to come back from pumping oil. There were eleven men on the shift at that time and a blacksmith who was working on the forge, but the oil did not interfere with him. There was an air blast furnace there, with a coke fire. He was going ahead with his work. There was one man down looking at some steel on the rack. The rest were sitting around waiting to light up the fires, which we could not do until the man had stopped pumping oil. The superintendent and the master mechanic came in and walked right down to where I was sitting down at the time with these other fellows and did the talking to me, wanted to know why we were not working. We told them we were waiting for the temper man to come back from pumping oil. They picked out two of us and told us we had better go down to the office. He would not listen to any explanation whatever. When we went down my time slip was marked "From loafing after regular lunch period." I was just a helper in the steel shop there, and I had no right to tell any of these men when to start or when to stop work. When they started I started to do my work with them, whenever they were ready, and when they were ready to quit I had to



stop, too. This temper man had been called four times to go and pump oil. He kept looking at his watch and stalling and saying "There is lots of time yet." He was not out two minutes when the master mechanic and the superintendent of the mine walked in and came down. That afternoon at four o'clock Ted Gates, the superintendent of the Creighton mine had been in the shop talking to the foreman of the steel shop and looking over towards me. I do not know what he was saying. I can guess on it but I will not try. The same evening they walked into the shop and the temper man, who had been always very friendly with the boss, was the man responsible for pumping oil, and he had refused when these other men asked him. He would not do it until he decided it was time. Two of us were given our time and the other man was re-hired at Frood mine in about eleven days' time. They would not take me back at all.

I went to the Falconbridge Nickel Company. I tried to get a job there. They asked me if I had ever been a miner. I said "Yes". They asked "Where did you work?" and I said "International Nickel Company." They asked me "When did you quit?" and I said "The 4th of March." They then said "You have to be away at least six months. Unless you go and work some place for three or four months we cannot give you a job."

I took it up with the Department of Labour in Ottawa. We asked for an investigation into it, and we offered to submit sworn statements from a number of men who had the same thing happen to them and they would not bother having an investigation.

Then I was hired at the Sudbury Brewing and Malting Company on the 17th of April. The first of June the men started to organize there. On the 17th of June I was fired. I had taken a shift off on the 16th and I sent word in to the boss who was in charge of the brew-house that I was not coming in, that being the general procedure there right along. When I came in the next morning to go to work, the brew-master, John Clements, asked me what happened yesterday and I told him why I was not out to work. He said, "Well, you disorganize the whole place. We cannot have men like you here. You had better get your time." I tried to reason with him and he just did not wish to listen. I went and got my time. Bro. Elroy Robson was in town at that time. He was the representative of the Canadian Congress of Labour. He went down and had a talk with this brew-master, John Clements, and he asked him just why he had fired me. He said "Well, he is not doing his work properly." He said "Well, now, Mr. Clements, that does not make sense. You just raised that man's wages five cents an hour. Why did you do that if he does not do his work?" He said "Well, he is not loyal anyway."

I went back out to Falconbridge in June to try to get in there again. The employment agent told me he had been off sick and he did not know just how things stood for hiring men and that he would give me a call in a couple of days. I waited for a week and had no reply. I went back out to Falconbridge and I asked him whether or not he would be able to give me a job. He said, "Well, I do not like to keep a man hanging around looking for a job when I know he is not going to get it. They do not want to hire you." I said "Why?" and he said "I cannot tell you that. You likely know as much about it as I do." He said "I can give you a job and send you over to work but they would only fire you."

The first time I had been out there I believe I admitted that, he told me that International Nickel had them under their thumb and they dominated them. He said "They pretty well control us because they are refining our ore, and we have to do pretty much as they tell us." This was all denied by the International Nickel Company and by the Falconbridge as well.

I believe that is pretty well what happened.

MR. MINER: Our delegation appreciates the fact that you and the Committee have listened to many cases of discrimination and this is more or less like taking steel to Sheffield. If I have the assurance that you, Mr. Chairman, and the Committee will fairly study our brief and the sworn statements of discrimination cases we have given you, I will continue with my brief.

THE CHAIRMAN: Go ahead.

MR. MINER: Very well.

"10. In addition to company officials, nine Captains, etc., there have been paid organizers allowed and encouraged to organize on company time throughout the mines and smelters.

We have sworn statements proving that as many as one hundred men have been kept from working for over one hour in the Frood mine while a company union man attempted to persuade them to join the U.C.N.W. Instances of this nature have occurred many times throughout the mines and smelters of this company, holding up production.

To try and force workers into the company union, experienced miners have been replaced by inexperienced men and placed on jobs requiring less skill and experience, resulting not only in loss of income to the men demoted but also loss of production to the war effort.

Such tactics have been applied in the shops and smelters with the same results.

Coercion in the form of promising advancements and more pay to some workers if they will join the U.C.N.W., disregarding seniority, has also been used.

Being subject to these conditions has given the workers no incentive to increase production and has undermined the morale of many of the workers, naturally causing absenteeism.

11. The workers' efforts to organize have not only been opposed on the job, but the influence of the company extends throughout the community.

On February 24th, 1942, the office and furniture of our Union on Durham St. in Sudbury were smashed and two union organizers were the victims of a murderous storm-trooper raid by men whose time-cards were punched in at Inco's Frood Mine."

We are in a position to prove this, and we have a man here who will do that. If you care we will call him.

MR. FURLONG: We will take that.

MR. MINER: I am now continuing to present my brief.

"We have been denied the use of the radio and the local daily press has carried a vicious campaign of anti-union propaganda and refuses to print press releases or letters answering charges made. The union of the workers, Local 598, is rapidly growing out of the needs of the workers even though suitable meeting places have been denied to us and in some cases contracts for such meeting places actually cancelled after being made.

A contract for use at a Sudbury theatre, signed by Local 598 and the Canadian Congress of Labour, and the Canadian office of Famous Players Corporation was cancelled on orders from the head office of Famous Players, after the meeting to be held in the theatre had been well advertised. This is a demonstration of the power and influence of the International Corporation, Inco.

Company unions and anti-labour tactics such as we have cited should not exist in Canada, and we believe that only in countries occupied by the fascist nazi powers are these things general.

12. We workers and citizens of Sudbury district do not approve of such practices and we are building our union to remove such conditions at home. At the same time we realize we must defeat such conditions abroad and that nickel must be produced to win the war.

Our policies and aspirations are based on the perspective of:

- (a) Achieving for the workers of Sudbury the economic and social security to which all workers are entitled and which thus far have been denied the miners and smelter workers here.
- (b) Stepping up production of nickel and copper by proper union-management production councils, which have been found to work so successfully where workers are recognized as a partner in industry and are designed to attain maximum production in the various mines and smelters.

Proper union-management committees would enable the workers of Sudbury district, whose patriotism is unquestionable but whose hands are tied by the International Nickel Company, to make their much desired maximum contribution towards the destruction of fascism and the successful conclusion of the global war.

International Nickel Company's Huntington, West Virginia plant, typifies the high standard of production to which Sudbury workers aspire. Through their union-management production council they have increased and continue to increase production, winning the highest efficiency awards



with the exception of the C.I.O. flag, including the Navy "E" flag and the Army-Navy "E" flag and several stars to these as well as the U.S. Treasury "T" award.

Such achievements could be made in Sudbury if the workers were guaranteed the same rights of collective bargaining as the workers in the United States, where under the protection of The Wagner Act, the workers in the Huntington plant, organized in a C.I.O. union, have won from the International Nickel Company a union contract embodying such clauses as 'There shall be no discrimination, interference, restraint or coercion by the company or any of its agents against any employees or applicants for work because of membership in the Union.' ' . . . in the interests of harmonious relations the Company recognizes that responsible union leadership is of value in employee-employer relations and recommends that those employees who are now or who may become union members continue their membership . . . '

13. The work that the International Union of Mine, Mill and Smelter Workers has done in increasing production in the United States, and are trying to do in Canada, is recognized in the following tribute of Mr. Wendell Lund, Director, Labour Division, U.S. War Production Board:

'IN THIS GREAT STRUGGLE for total victory, your union is in the vanguard. You have not and will not let freedom down. There is laid upon government and management an equal responsibility to rise to your challenge and your example. There is no union in America that has co-operated more patriotically in the war effort than the International Union of Mine, Mill and Smelter Workers. There is no union in America that has had a more constructive approach to working with our labour production division of the War Production Board than your organization.

You have been highly intelligent, energetic, and instead of waiting for us to come to you to solicit co-operation and assistance, you have come to us offering everything you have—manpower, production ideas, intimate knowledge of your industry. You have offered your country everything you have to give.

Let me say here and now that no labour organization in the country has shown greater patriotism and devotion to the cause for which we are fighting than your union.

Let me say too that I am completely aware of the fact that the Mine, Mill and Smelter Workers couldn't make the kind of record it is making without some of the most intelligent leadership in the country.'

The above quotation, which can be supplemented by that of other leading U.S. Government officials, including President Roosevelt, praising the role of our Union leaves no room for talk of 'International Union gangsters' and other malicious slander and propaganda about International unions and their representatives.

14. We regret that this Government Committee have not had the

privilege of coming to Sudbury and establishing contact with the masses of the rank and file workers whom we represent.

15. We believe that it is vitally necessary for the welfare of the workers of Sudbury and the people of Ontario, of Canada, that the Labour Legislation which it is your task to consider should include the following proposals:

(a) Provision of effective machinery for the democratic determination, by vote, with secret ballot if necessary, of the bargaining agency desired by the workers immediately affected in any department, plant or industry. The choice of over 50 per cent of the workers immediately affected and voting, shall be considered the choice of the majority of the employees concerned.

(b) That it shall be an offence under the proposed legislation for an employer or his agent directly or indirectly to sponsor, support, finance, dominate, or exert any influence whatsoever upon any group, association or organization of his employees established for the purpose of negotiating a collective agreement or carrying on the legitimate functions of a labour union.

(c) That any arbitration proceedings provided for under the proposed legislation shall commence within five days of the application therefor, and be concluded within thirty days from the date of the first meeting of the arbitration board.

(d) That it shall be an offence under the proposed legislation for an employer or his agent, directly or indirectly, to refuse to employ any person of union membership, or to discriminate against, coerce or intimidate any of his employees in the effort to prevent them joining a union, or carrying on activities for or on behalf of a union, or to interfere in any manner whatever with the right to join the union of their choice.

(e) That where a majority of employees covered by a collective agreement individually authorize their employer to deduct union dues or assessments from their wages, such authorization shall be acted upon by the employer.

(f) That it shall be an offence for an employer to refuse to bargain collectively with the authorized representatives of the union of the workers' choice as determined in accordance with the appropriate clause of the proposed legislation.

(g) That penalties shall be provided in the proposed legislation, sufficient to be effective, to apply to any employer who is guilty of any offence as defined therein.

(h) That in the proposed legislation the definition of the term 'employee' shall include workers who have not severed their employment, such as workers who are on strike, or have been discriminated against by employers, etc.

(i) That the provision of a Union shop or maintenance of membership clause in any collective agreement as a condition of employment shall not be deemed to be coercion of the employees within the meaning of the proposed legislation.

We endorse the proposed Bill drafted and submitted by the Trades and Labour Congress of Canada and our central Labour body, The Canadian Congress of Labour.

We also urge that this Government Committee consult the officers of these bona fide labour bodies when the Committee has a draft of the proposed Bill ready.

All of which we submit to you and urge in the name of thousands of miners, smelter and refinery workers of the Sudbury Nickel District be given earnest consideration by the Committee in its deliberations, and its recommendations to the Ontario Legislature.

Submitted by the Delegates elected by the Elected Stewards of Local 598, Sudbury Mine, Mill and Smelter Workers Union, International Union of Mine, Mill and Smelter Workers."

Gentlemen, I thank you for the very patient way in which you have received our brief.

THE CHAIRMAN: We are very glad to have heard from all of you gentlemen.

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First, I would like to read a memorandum from District 8, I.U.M.M. & S.W.:

"MEMORANDUM

PRESENTED BY R. H. CARLIN BOARD MEMBER DISTRICT No. 8  
I.U.M.M. & S.W. IN BEHALF OF LOCALS 240 AND 241, 598  
AND 637 OF THE INTERNATIONAL UNION OF MINE, MILL,  
AND SMELTER WORKERS

1. In speaking for the members of Local Unions Nos. 240, 241, 598 and 637 of the International Union of Mine, Mill and Smelter Workers, we are speaking for the majority of Workers employed in and about the Mines, Mill and Smelters of Kirkland Lake, Timmins, Sudbury and International Nickel Companies Refinery at Port Colborne, Ontario.

2. In tradition with the policies of our International Union, (no strike during war time) we, the members of the above mentioned local Unions are desirous now, as in previous months, of making our greatest contribution towards attaining industrial peace so essential to our country's all out war effort. We believe that the only way to achieve this ideal, which is uppermost in the minds of all the members of our organization, is by the government legislating such a Collective Bargaining Bill as will give full and



complete protection to workers who organize themselves into Labour Unions of their own choice. One which would outlaw company Unions and make compulsory and binding Collective Bargaining with a bona-fide Labour Union as chosen by any majority of workers.

3. The cause, outcome and final results of the Kirkland Lake strike a year ago is history. We venture to say, however, the one way to prevent similar situations from happening is by the enactment of such Labour Legislation that will guarantee the workers of Ontario the rights to organize into Unions of their own choice and therein to bargain collectively. The Kirkland Lake strike could and would have been prevented had Order-in-Council 2685 been mandatory instead of declaratory.

4. Accordingly, we urge this Committee, upon whose shoulders rests such grave responsibilities, to recommend to the government of Ontario the passage of such Collective Bargaining Legislation as advocated by the Canadian Congress of Labour, the Trades and Labour Congress, Local 240-241, 598 and 637 of the I.U.M.M. & S.W. and other responsible bona fide Labour organizations throughout the Province of Ontario, immediately. If you recommend accordingly, you will have made your contribution to our National All-out-War-Effort and thus towards the attainment of Industrial Peace and the extension and preservation of Democracy which is so essential to the welfare and happiness of the Ontario Workers."

Next, a statement by myself:

"STATEMENT OF R. G. MINER, CREIGHTON MINE, MARRIED,  
2 CHILDREN, MEMBER OF LOCAL 598, SUDBURY, FORMER  
PRESIDENT OF LOCAL 241, TIMMINS, ONT.—EMPLOYED

On reporting for work at Creighton, was immediately told that my history was well known to Inco, and steps already had been taken to isolate me as much as possible. Was put to work on No. 3 sub level. Accepted all and any work which was given without any complaint. When stope in which I worked proved to be making no bonus, I asked for company time job. This was granted. I was made timberman. Worked as timberman approximately two weeks, when my duties would have necessitated my moving to 10 level. Captain overstepped shift boss and ordered me back to stope on No. 3 sub level and another man given my job as timberman. Was encountering quite some difficulty in obtaining living quarters for family, and was repeatedly approached by captain and shift boss to join company union, with offer of company house as bait. The fact that many men had been seeking company house for years made no difference.

Captain Jack Brown suggested that I organize another union and present company union would be done away with.

Was repeatedly offered better jobs and an opportunity to get house if I would 'keep my nose clean,' in other words co-operate with Inco regarding Union. Captain Brown once stated that he had 'ways and means of taking care of me' if I insisted on organizing for miners' union. Threatened lay off or discharge if I was caught using company time to organize. When

I agreed that this was proper, he stated that my work was very satisfactory. In no case has there been any complaint from company regarding my work.

This is a sworn statement.

Signed: Robert G. Miner.

Witness: Chas. McClure,

Witness: Wm. A. Sloat."

Next, a statement of Clarence Smith:

"STATEMENT OF CLARENCE SMITH, FROOD MINE, UNDERGROUND  
WAREHOUSE MAN—EMPLOYED, JUNE, 1929, MEMBER OF  
LOCAL 598, SUDBURY

I started work for International Nickel Company in June, 1929. I worked eight months as a track man. I then worked at timbering for two years. I was then made stope boss on which job I had worked for eight years. I suffered an injury to my shoulder on November, 1940, I was confined to the Copper Cliff Hospital for a period of twelve weeks. I then returned to light duty work for a short time in 1941. I was then transferred to the underground warehouse late in January, 1942, at which job I worked until December, 1942. I became a member of Local 598 on December 2, 1942.

It became common knowledge throughout the mine that I was a union man and about three days after I became a member of the Union I was approached by the Mine Captain G. Ballantyne, who told me he had heard that I had a new job selling union tickets and that I was working for the wrong organization. I replied that in my estimation it was the right organization. He left without further discussing the matter.

A few days later, on December 9, 1942, I was sent back to light duty work at a loss of rate from 71 cents an hour which I had been making to 63 cents an hour. I enquired of the reason for this new transfer. He replied that I had made an error on the time sheets. I told him that the time sheets were checked over daily by the shift boss. He stated that the shift boss was capable of making a mistake as well.

On the evening of December 9, 1942, I stated my case to J. J. Billeki, an officer of the Local Union 598 who told me to accept the light duty work in lieu of a possible settlement at a later date. He pointed out to me that a Public Relations Officer would be in the city in the near future to investigate mine and similar cases.

I worked on light duty for two days and then was instructed by my boss to go on a ditching job. I protested to the boss that I could not do this work as one of my arms was seriously disabled. He did not reply. I then went to Fawcett and asked him if I had to go ditching. He told me I could use a shovel. I answered that I could not. His reply was, 'From what I hear from Inco doctors your disability is in your head.' I answered

that I certainly could not do the ditching job and asked for a slip to see the doctor to find out whether in his estimation I could handle this type of work. He told me that he did not have to give me a slip. I replied that I knew that it was not compulsory that he give me a slip but stated that I did not want to come out the next day to find that I was not capable of handling the job and then have to return home if nothing else was offered me. He told me that I had to do as the light duty boss ordered. I answered that I would report for work but if I was sent to do ditching work, I would return home. He did not reply. I reported for work on the following day and was told by the light duty boss, Niemi, to go ditching. I protested that I could not handle this type of work but he did not reply. I proceeded to surface to notify Fawcett and Smith that if I was not given a job that I could handle, I would return home. They did not answer so I returned home.

This is a sworn statement.

Signed: C. Smith.

Witnessed: Fred Denstedt,  
Witnessed: Carl Withers."

Next, a statement of Joseph T. More:

"STATEMENT OF JOSEPH T. MORE, WORKED AT SMELTER FOR  
FOR FOUR YEARS, UNDERGROUND FOR NINE MONTHS

I was hired for the machine shop on June 30, 1942, where I worked till September 10, when I was transferred to the Open Pit crushing plant. Last Friday, December 4, I was told my by shift boss to go back to the machine shop where I worked before. During all this time, I put my time in as machinists' helper, getting 59 cents an hour.

On Saturday I put in a shift in the machine shop and was told to take Sunday off. On Monday morning when I came on shift I was told to go and work with Joe Butler who, among other things, is in charge of the water supply system for the Frood Mine. On approaching Joe Butler I was told to go along with another man who was going to show me my job which, he said, was supposed to be a cleaning up job along the water pipe-line. So my friend and I started out walking along the water line which leads to Whitson Lake about four miles away. Of these four miles, about three miles of the pipe line is covered with small brushes averaging about 10 to 15 feet high. My friend told me that my job would be to cut a five foot lane all along this line with the use of an axe. I realized all of a sudden that I, who was a machinist's helper, was now to become a brushman for about a month.

Upon my return from this observation trip, I told Joe Butler that I was supposed to work in the machine shop and couldn't understand how I could be placed on this job of wood cutting. He told me to see the shift boss as he had nothing to do with placing any men on the jobs. The shift boss in his turn told me that he had orders to put me under Joe Butler and



knew nothing of the nature of the job I was supposed to do for him. Then I approached Mr. Ross, the master-mechanic, who told me that as far as he was concerned, I was the newest man he had, and so I was the one that he had to place on this job. I told him that I did not ask for a transfer, and did not desire it if I had to lose my seniority completely on account of it. All my transfers since June 30th were orders from the bosses of my department, so I could not understand why I was to be considered a new man every time I was placed in a new plant so long as I stayed in the mechanical department. Since this job of brush cutting was not a mechanical job, I told Mr. Ross that he will have to find somebody else for it as I wasn't going to do it. Ross told me that as far as he was concerned I was to work for Joe Butler until the job was finished. This ended our conversation and I went away, intending to report to my local.

This is a sworn statement.

Signed: J. T. More.

Witness: Wilfred Zadow,  
Witness: Albert Raimonds."

Next, a statement of L. Blais:

"STATEMENT OF L. BLAIS, 171 NOTRE DAME, MARRIED, SEVEN CHILDREN, WORKED AT INCO FIVE AND A HALF YEARS, WORKING AT CREIGHTON—PILLAR AT 77 CENTS, MEMBER OF LOCAL 598, SUDBURY, ONT.

Saturday, Jan. 30/43, the shift boss Dougherty told me if I would get behind the company union, I could have 85 cents per hour and a good bonus stope.

This is a sworn statement.

Signed: L. Blais.

Witnessed: R. O. Brown,  
Witnessed: W. Chapman."

Next, the statement of F. Thompson:

"STATEMENT OF F. THOMPSON, 172 OAK ST., SUDBURY, ONT.; MEMBER OF LOCAL 598, SUDBURY MINE, MILL & SMELTER WORKERS' UNION; WORKS IN ROASTER DEPARTMENT, NICKEL REVERB., COPPER CLIFF SMELTER

(Discrimination leading to loss of production)

After five years working in the Roaster Dept. of the Nickel Reverb. at Copper Cliff Smelter of I.N. Co., a man from the furnace Dept., P. Duffy, was moved up the Roasting Dept. and put on as a roaster helper ahead of me. P. Duffy was a Welfare Association and later a U.C.N.W. repre-

sentative. He could not do the job and had to be helped by others. Two experienced roaster helpers quit because they realized that there was no seniority for them.

About 20th January, 1943, P. Duffy was given the job of roaster furnace man at 77 cents an hour and I was left as steady helper at 69 cents an hour. P. Duffy had only worked on one ("H") floor of the five roaster floors and did not know the job over which he had to oversee. I am experienced on all five floors.

This has resulted in it being necessary to bring in an older experienced furnace man during breakdowns and has also resulted in many unnecessary delays because of his, P. Duffy's lack of knowledge of what to do to prevent breakdowns and delays.

There are other experienced men with seniority capable of doing the job.

This proves that there is no seniority in the Copper Cliff Smelter and that preference for company union men hurts nickel production.

This is a sworn statement.

Signed: J. Ford Thompson,  
Victor Leeds,

March 13th, 1943.

Above circumstances declared correct.

Witnessed: P. Lynott,  
Witnessed: J. A. Machan."

Next, the statement of L. English:

"STATEMENT OF L. ENGLISH, 159 PINE ST., SUDBURY, ONT.  
(TELE. 6-6882) (SINGLE); STOBIE OPEN PIT; WORKED FOR  
I.N. CO. TWO AND A HALF YEARS

I am working at Stobie open pit on blasting crew. On January 26th, 1943, C. Anderson, President of the company union, U.C.N.W., came to Mechanic shack at Stobie open pit and help up production by talking company union to about thirty men for an hour. And he also went around to the churn drills talking company union to the churn drill operators.

This is a sworn statement.

Signed: Louis English.

Witnesses: Chas. McClure,  
Witnessed: R. G. Miner."

Next, the statement of Nelson Thibault:

"STATEMENT OF NELSON THIBAULT, FROOD MINE TWO AND A  
HALF MONTHS ON 1800 LEVEL; PREVIOUSLY WORKED AT  
LEVACK THREE YEARS, TRANSFERRED BECAUSE OF HOUSING  
FACILITIES AT LEVACK; (MARRIED) 57 REGENT  
STREET NORTH

When at Levack worked as motorman and level boss. When transferred to Frood, rate was cut from 77 cents per hour to 71 cents per hour and worked as motorman until December 4, when I was transferred to a pillar on 2600 level.

This pillar is one of the hottest in the mine and I asked the shift boss if there had been any complaint on my work as motorman and why I was transferred. He said there was no complaint but he had orders to make the change. I went to the captain and asked him why I was put in the pillar when experienced pillar miners were being taken out of pillars and put on other jobs. He told me there was no complaint on my work but he was sending me down to work in this pillar and if I was not satisfied I could go and see Smith, the underground Superintendent.

I went to see Smith and asked why I was transferred. He asked me what business I had to come and see him and he said to get down to the pillar and get to work. I asked him if he could give me my time and he said go down to the Selective Service board and try to get your time. I went back to work and have stayed in the same place since.

Signed: N. Thibault.

Witnessed: Wm. A. Sloat,  
Witnessed: Louis English."

Next, the statement of Pete Bodnarchuk:

"STATEMENT OF PETE BODNARCHUK, MINER I.N. CO. FROOD  
MINE, 1800 SOUTH; WORKED FOR INCO TWO YEARS, MACHINE  
RUNNER (ROOM 23, PARIS HOTEL)

On February 5th, 1943, James Gordon, organizer for company union, U.C.N.W., spent the full day going through the stopes on 1800 level trying to get men to join the company union, U.C.N.W. He spent considerable time in each stope talking to the miners and holding up production.

This is a sworn statement.

Signed: Pete Bodnarchuk.

Witnessed: Bernard Newman,  
Witnessed: M. Ripka.  
March 12th, 1943."



And, lastly, the statement of W. F. Kennedy:

"STATEMENT OF W. F. KENNEDY, 276 WHITTAKER ST., SUDBURY,  
(PHONE 3-1801); WORKED FOR INCO 13 YEARS AT FROOD  
MINE; MARRIED MAN WITH TWO CHILDREN

Company Union organizers have been frequently organizing on 2000 Level North travelling from one work place to another trying to induce the men to join the United Copper Nickel Workers. I have been approached by the assistant superintendent H. Smith, the general foreman K. V. Lindell, the late mine superintendent F. J. Eager and the present mine superintendent A. E. O'Brien, urging me to join the U.C.N.W., and suggesting that I use my influence to get other workers to join the same organization.

When the U.C.N.W. started a campaign to organize one of the company union organizers, George Gowan, detained one hundred men for over an hour on 2000 Level North in Frood Mine (where I work) trying to induce them to join the company union, U.C.N.W.

This is a sworn statement.

Signed: W. F. Kennedy.

Witnessed: Alfred C. Pasch,

Witnessed: Ronellenfitch Carl F."

That is all, Mr. Chairman, and thank you very much.

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MR. FURLONG: Well, Mr. Chairman, and gentlemen, does the Committee desire to now adjourn or go on for a while?

THE CHAIRMAN: What else have we now?

MR. FURLONG: We have one further gentleman who was scheduled to be heard this afternoon, namely, Mr. R. J. Deachman, of Ottawa.

THE CHAIRMAN: We had better hear Mr. Deachman then, because we have much business for this evening.

MR. FURLONG: Very well.

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PRESENTATION OF R. J. DEACHMAN

R. J. DEACHMAN, sworn.

Mr. Chairman and gentlemen, I would like to present a brief as follows:

“COLLECTIVE BARGAINING BY R. J. DEACHMAN

(A brief presented to the Ontario Legislative Committee on  
Compulsory Collective Bargaining)

The basic thought behind the programme for Collective Bargaining is the desire of labour for a higher income. It wants to improve its position, a wholly logical objective against which no man can utter a word of protest.

The method used will not accomplish its purpose. Historical fact shows it never has. Reason tells us that it never will. The only thing it can accomplish is to lower total wage and salary payments and increase, in times of peace, the volume of unemployment. This I will now proceed to prove.

Labour is not the only factor in production. By labour, in this sense I mean those who are in receipt of either salaries or wages. There are other workers, but they are paid by the sale of their products, as for instance farmers and fishermen, or by a commission as for instance salesmen, or direct payment for professional services, or by a profit, as is the case of the small business man.

We are, in this world, a part of a correlated and unified system. If labour could by organization force up its rates and increase materially its share of the national income the result would be unbalanced economy, a period of depression. In the end, labour would be the greatest sufferer. Fortunate indeed are we in the fact that our economic laws are not so lightly mocked—we cannot disobey them with impunity. Fortunately also there is a method of action by which labour can improve its position. If by co-operation with capital and with other producers it can increase the national income and if the gains in technical and mechanical means of production can be passed on to the community higher real wages would result, unemployment would disappear, save only unemployment of a temporary nature arising from technological causes.

HISTORY PROVES IT

Let us look briefly at a few facts. In 1929, our most prosperous year prior to the present war, the national income was \$4.718 million dollars. Total wage and salary payments amounted to \$2.900 million—61.4 per cent of the national income. In 1933, at the bottom of the depression, the total income was \$2.632 million, total wages and salary payments were \$1.675 million—63.6 per cent of the national income. As the total wage payments in 1929 exceeded the national income of 1933 the payment, in 1933, of the volume of wages and salaries paid in 1929 would have involved the distribution of a sum greater than the total income of the nation. The same would be true of 1932 and 1934. If we desire full production (and this means the fullest possible use of our capital, labour and raw material) it will not be brought about by legislative strengthening of one group at the expense of others and permitting it to upset the national equilibrium. It will come about, if it comes, by joint effort on the part of all to bring about the desired end—an increase in the total size of the national pie and therefore a larger portion for each.

Labour through the years has received an almost invariable percentage proportion of the amount which it produces. The increase of its earnings comes not from an increase in wage rates, as it fondly but foolishly imagines, but by the increase in the volume of production per unit of labour and this is dependent upon the inventive capacity of the people, the efficiency of labour and the amount of capital investment per unit of labour employed. These things constitute the basis of hope. In comparison with such trifles as Collective Bargaining they are as a mountain of gold when weighed against a touch of thistledown."

Now, gentlemen, I would like to add here one little fact which I might have included in my brief, but I did not have the figures available at the moment. I wanted to make an example of this from United States figures, for the simple reason that in Canada the figures are not so complete and therefore cannot be put in the same form.

In 1914 in manufacturing in the United States the index of production was 71.9. I mean by the "index of production", taking a basis for 1923-1925 as 100, the 1904 production was 71.9 of the 1923-1925 index. In 1938 the index was 150.4. I am not asking the Committee to burden their minds now with the detail by reason of which that is approached, but the increase in capacity to produce of the individual worker increased 109 per cent during that period.

MR. MACKAY: Q. Would that be, Mr. Deachman, in the development in the machinery?

A. Yes, quite. It came about through the substitution of machine man hours in the industry for the old man hours.

Hourly earnings adjusted from cost of living moved up in that period from 71.5 to 105.6. In other words hourly earnings moved up 104 per cent while production moved up 109. I call your attention to that fact because 109 and 104 is a rather closely paralleled movement extended over a period of twenty-five years, showing that in their time there was no attempt upon the part of capital to curb down the gains which went to labour, but they almost exactly paralleled production.

I need not point out to you as business men that in a dynamic condition of industry such as existed between 1914 and 1938, when things were moving rapidly and improvements were taking place very, very rapidly, that a great deal of machinery would have to be thrown out before it had done its work and the capital cost would increase. In view of these factors there is fundamental evidence for the conclusion that capital did pass on to labour its public share in the gains amounting from the technical increase in production due to the changes which were taking place.

Now, I want to set out another case because I do not want to give you the idea, sirs, that this is always so close as it was in connection with manufacturing. Here is what happened in regard to railways. From 1914 to 1938 in railways in the United States the output increased 87.7. At the same time the earnings mounted up from 73.4 to 145.7. In other words the increase in output was 87.7, while the increase in earnings was 98.5. In the case of railways the main one,



which was an apparent factor, at best, let us look at it so far as the number of employees were concerned. From 1914 to 1938 the number employed in the railway industry in the United States declined from 1,482,000 to 975,000. The partial cause of that, of course, was the competition of the automobile, but in some measure the decline was due to the fact that by reason of the strength of organized power the railway workers had carried the level of wages beyond the capacity to pay and the inevitable result followed. It was expressed, as it had to be expressed, in increase of volume of unemployment.

However, let us carry this story a bit further.

#### "The Story in Figures

When in doubt look at the facts. Here is a table which shows the percentage which direct factory labour—total wages and salaries constitutes of total production. Now please do not suggest that this percentage is too low or that this is all labour gets out of production—that type of falsehood has been presented in the House of Commons and in labour arguments as long as I can remember. It is only the direct factory labour. It includes none of the costs of primary materials nor of indirect labour nor of distribution. It covers a 30-year period. Prior to 1910 our statistical record is not very clear. The figures follow:

Share going to Salaries and Wages in Canadian Manufacturing	
1910.....	20.7%
1915.....	20.5%
1920.....	19.4%
1929.....	20.0%
1933.....	22.3%
1935.....	21.1%
1937.....	19.9%
1938.....	21.1%
1940.....	20.1%

Note how unchanging it is—a war did not upset it. The percentage remained fairly constant through the ups and downs of a boom and a depression. Does any really intelligent man think that it can be changed by a collective bargaining Act? In attempting to do so you might throw thousands out of work but you could not materially improve the percentage even if you were permitted to write the Act itself and had the power of a despot in imposing it.

The average of the nine years I have given is 20.6%. The highest 22.3%—the highest came in the worst year—the economy of the nation was depressed because labour took—not too much—but an amount beyond the capacity of the economy to pay. The lowest was in 1920—19.4%. That year recorded the highest total money wage and salary payments in Canada prior to the present war—note please that it was the lowest percentage. By chance or fate, in that year, you gave an opportunity to others to live and they helped you to live. In a capitalist economy good deeds are rewarded—in a socialist economy payment for progress will be in terms

of higher taxes. The average of these nine years was 20.6% and the greatest deviation above the average was 1.7 and below 1.3. The average per employee in money wages in 1910 was \$468 and in 1940 it was \$1,208—the money wage level of 1940 was 237% of the 1910 level—the percentage of the national income was .6 of 1% lower.

Not a dollar of that increase arose from collective or any other form of bargaining. You produced more because the machines were better. Man-hours of work had given place to machine-man-hours. You could not have received that even if your employers were angels unless you had earned it. If these gains had been passed on to the consumer in lower prices of products demand would have increased and you would never have known the curse of unemployment and it will, I fear, stay with you through the years until that lesson is learned.

You may go back over the record in American conditions in U.S.A. manufacturing for 100 years, similar conditions prevail. It is true also in Britain. There may be fluctuation from time to time but the general trend is the same. You get your share of what you produce and if you push too far your desire for higher wage rates the volume of production declines and you take less. Total salary and wage payments decline.

There is endless support for this contention. It is written in the history of the labour movements of the world—still the other story will be told—and this will continue as long as you pay men for telling it. Let us put this on the basis of a search for truth then we can work together. The only difference between me and my labour friends is this: I seek for labour higher total wage and salary payments—at times labour seeks higher wage and salary rates regardless of its effect on total payments. It will not always do so—in time, it will choose the wiser way. I have never for a moment lost my faith, in its capacity, through pain and suffering to find the right means to the end it has in view.

I come now to another phase of this problem. This Committee has been appointed to consider a plan of collective bargaining. What we say here has small value save as it affects the vote of the Legislature. The Legislature of this province has been asked by one group—labour—to pass legislation which in the opinion of that group will give it greater power over those with whom it bargains. Labour bargains with the employers but increased wages are a part of costs and costs determine prices. The added costs will be passed on to the consumer. It will fall in the end on the farmer—he pays."

I would like to say at this point I regret exceedingly we have not with us at these meetings representatives, strong representatives of agriculture because, no matter what happens in regard to these agreements, in the end the price will be passed down to the farmer, and it will be met by the men on the concessions and the sideroads back in the country.

MR. FURLONG: We have a good farmer on the Committee.

THE WITNESS: Oh, but you also have representatives of labour here, have you not?

MR. FINKELMAN: No.

THE CHAIRMAN: We are all hard labourers.

THE WITNESS: I thought you all worked for a living.

THE CHAIRMAN: I have since I was fourteen years old, and I guess I will keep on. Everyone except Mr. Gardhouse is a labourer.

MR. GARDHOUSE: And I am the hardest workingman among us.

THE WITNESS: I would like to have seen the representatives of organized labour present their stories to the Committee.

THE CHAIRMAN: We have had lots of them.

THE WITNESS: Of organized farmers?

THE CHAIRMAN: No; of labour, as you said.

THE WITNESS: Oh, labour.

#### "Wages Up—Farm Income Down

I have here a table showing what has happened to farmer and labour. 1926 was a good year in Canada—good alike for labour, the farmer and others. It has been often taken as a base year, a starting point for our calculations. Here is the position. The agricultural income stood at \$728 million in 1926. By 1939 it was \$505 millions, down \$223 from 1926—total wage and salary payments had risen in that period by \$152 million.

In the ten-year period 1930 to 1939 the average net earnings of agriculture amounted to \$323 million—just 44.4% of the 1926 level. Labour in the ten-year period had \$2.174 million or 91.6% of the 1926 level. Yet no committee sits to examine ways and means of legislative action to increase the reward of the farmer—again, for the things you do—he pays.

The 1926 level of earnings gave the farmer a fair living. The 1930-39 period cut this down by \$400 million a year—\$4 billion in the ten-year period. It would need this vast sum to restore agriculture, put it on a sound basis, bring it up to something comparable to city standards. There is a market for the products of labour if only labour could see the need. What a magnificent gesture it would have been for labour to come forward and state the case to this Committee somewhat as follows: 'A great producing segment of the forces of production has fallen behind—something must be done for agriculture—labour should go to the rescue'. What a shock that would have been. Strange isn't it—a ship is struck by a torpedo—other ships take risks in picking up the crew. An industry goes under and another segment of the community passes by without even a wave of the hand. Instead it comes here hands outstretched singing in its grandest tones the great theme song of the nation more, more, more, more for us.



The members of the Legislature are not blind. They see and analyse the economic forces which lie behind these things. In the interest of labour, a matter of vital importance, in the interests of agriculture and the general welfare of the province and the nation it cannot grant this demand for collective bargaining."

Q. Do you think it would hurt production in any other province of Canada where they have had collective bargaining legislation on the books?

A. This is the greatest manufacturing province in the Dominion of Canada. Its effect here would be more direct and any legislation which tends to increase the wage rate when it has already gone up from an index of 100 in 1913 to an index of over 200 to-day while farm prices remain at the point they were, taking the United States as a whole, or slightly lower, cannot be of advantage to the agricultural section of the country.

If I may add one other sentence to that statement, it is that the rate of mechanization has gone up much faster in industry than it has in agriculture, and the only method by which that could be altered would be to pass on the gains from production in industry in a lower price for the goods produced.

Q. Is it not lower prices and at the same time higher wages which create a greater demand for a commodity and also create a greater producing power? If you can increase wages and at the same time lower the cost of an article then you are really getting along economically?

A. Not unless you are passing it on to the consumers as a whole.

Q. If you lower a price on an article you are passing on something to the public?

A. Yes, but if you maintain the price of the commodity and raise wages—

Q. If you lower the price of the article and at the same time increase wages then have you not an ideal state economically?

A. If the gains are to be passed on to one section of the community as they are to-day, then you have the reverse of that situation.

Q. But is it not the old story that a little bit of substance, here, there, and the rest of it—

A. Yes.

Q. —and when the old craft unions organized and along came the assembly lines there were a great many industrial workers who were not craftsmen and they got the small end of the stick. They said "We are going to organize and get a fair deal", and the bright man, the far-seeing employer, said "All right, boys, probably we can get on a lot better if we sit down and talk about it." They do that, and there is a percentage who say, "I know more about my business than you or anyone else and I will be damned if I will have anybody sitting around and talking to me", and "You can all go where you want to go."

A. Do you not think it would be an efficient method in this matter to consider the whole economy? Here is one section of the country which is now getting 44% of what it did in 1936. Here is another which gets 91.6. I think of a legislative body, I think of the House of Commons, I think of the nation, and I do not believe that the nation wants that to happen. I had a letter two or three days ago from a manufacturer—two of them, by the way, on the same day—discussing the future, conditions after the war, and so on. One of them wrote.

“The essential thing, the first task, is the post-war problem of solving the problem of agriculture.”

The next letter I opened read:

“The great problem is the consideration of the national dividend with a more equitable distribution.”

THE CHAIRMAN: Q. Are the farmers not organized?

A. You cannot save the farmer by organizing because his market is determined by the prices of the world market. You face that problem as one of the greatest tasks after the war, the expansion of trade and the development of markets for the farmer. I ask that consideration be given for this in such problems as arise here from time to time.

Q. The representatives of labour have not asked for an awful lot. All they ask, when you whittle it down, is really once they have established they have a majority in a certain industry and they elect representatives to meet the management that the management should be compelled to sit down and talk to them, not that if they do not come to an agreement the government is going to step in and make an agreement for them.

A. I listened to Mr. Roebuck yesterday, an old friend of mine—I almost said “Arthur”. Mr. Roebuck said, “One thing at a time and, when you have established this, go on to the civil servants.” I listened to-day to the review of a Bill which labour wants passed and I made my protest at the time. What I said is the same thing is what has been argued before this Committee, since I have come here, that there has to be less of this spirit of bickering in regard to labour and in regard to capital. You have a wildcat on both sides, and they are the determining factor. They set up the point of friction instead of the point of contact.

Q. Do you think that because public opinion has reached the stage in England as a result of a lot of strife and turmoil over a long period of time it is taken for granted that there will be collective bargaining?

A. But, have they not collective bargaining there?

Q. Public opinion has reached the stage where no manufacturer—

A. Progress in any country is the result of strife. Speaking of the gentleman

who have come here and who expect the golden era to-morrow by parcel post, I do not expect it will ever come.

THE CHAIRMAN: No; I do not expect any one of us will sprout wings in this world.

MR. NEWLANDS: Speak for yourself.

THE CHAIRMAN: What they are really asking for apparently is some recognition of equality.

THE WITNESS: Well, let that grow as time goes on. It will grow.

I am always reminded of the story of the old Scotsman and his wife who were sitting beside the fire. They had been quarrelling. The cat and a dog were sitting or lying there enjoying themselves before the fire, and at last the old man said to his wife "Jeannie, why is it that we cannot live peacefully together when the cat and the dog can?" Jeannie replied, "Oh, you forget they are not tied together." You will soon reach the time when a man cannot work in a factory unless he is a member of a union.

THE CHAIRMAN: They are not asking for a closed shop, although one or two did.

MR. GADD: Q. May I ask what group you represent?

A. I am not a member of the House of Commons now.

THE CHAIRMAN: I understood Mr. Deachman to say he is representing the consumers.

THE WITNESS: I am representing myself, purely, and not officially as a representative of the consumer. I am putting forward the claims of the consumer, and, of course, the claims of the farmer.

MR. GADD: Q. Are labour organizations not a part of that great consuming public?

A. Yes.

THE CHAIRMAN: Mr. Gadd, whom do you represent?

MR. GADD: I represent the organization of teamsters.

THE CHAIRMAN: Well, this Committee will now adjourn until 7.30 this evening. Is that the correct time, Mr. Furlong?

MR. FURLONG: Or whatever time you see fit.

THE CHAIRMAN: 7.30 will be all right.

Whereupon, on the direction of the chairman, the Committee adjourned at 6.00 p.m. until 7.30 p.m.



## EVENING SESSION

TUESDAY, MARCH 16, 1943

On resuming at 7.30 p.m.

SUBMISSIONS OF ST. CATHARINES  
CITIZENS' DELEGATION

GEORGE GARE, sworn.

MR. FURLONG: Q. You live in St. Catharines, Mr. Gare?

A. I do.

Q. And whom do you represent?

A. A delegation of citizens elected at a conference called by the citizens of St. Catharines.

Q. I see them here. I presume these are the citizens, or some of them?

A. Some of the citizens, yes.

Q. Do you represent any union organizations?

A. The St. Catharines District Trades & Labour Council is represented here, members from various locals in the vicinity affiliated to the St. Catharines District Trades & Labour Council.

MR. PAT SULLIVAN: Mr. Chairman, there is one point I think the spokesman should make clear, that in St. Catharines we have what we call in the trade union movement a unity council, which is composed of C.I.O. and A.F. of L. unions. It is the only one we have in the country where they still sit together and work in harmony.

MR. FURLONG: I understand they have just started one in Windsor.

MR. SULLIVAN: They started one in Windsor two weeks ago, but this one has been running for some years.

WITNESS:

"St. Catharines district is a powerful production unit. In this city, in Merritton, Port Dalhousie and nearby Thorold there are 96 factories with approximately 20,000 workers.

During the winter months many thousands of farmers, farmers' sons and daughters and farm-workers from the surrounding countryside, patriotically enter into industrial activities. 75 per cent of the production of these factories is War Production directly. All the production is of course of assistance to our country in this hour of crisis for our nation's independence and survival.

The Union movement of our area is of long standing and tradition, Unions have existed here since 1880. The Trades and Labour Council was set up in 1904. There are to-day 35 union locals in our area with 9000 union members.

The unions have been constructive. Since 1936 when the union took on added activity wages improved considerably. Health conditions were better looked into and taken care of. Civic consciousness was increased through union interest and education. Fraternal relations between the working people were fostered. The entire community was benefited by all this.

To-day the union movement of this area is most anxious to take a greater share in advancing an all-out war effort. We have the machinery and the experience, the necessary forces and the desire to serve our country. But the absence of a Labour Bill protecting the workers right to organize and thus protecting the union of the workers' choice from company hostility and attack has inevitably confined a large portion of union interest and energies to the daily struggle of defense and survival. Particularly is this true in the industrial sections of the union movement where the greatest contributions to war morale and war production could be made under more favourable conditions of union existence. An outstanding example is the case of the English Electric where a company union was built to smash the union and where the foremost union leaders and best workers left the industry to the detriment of production. But the union was patient to a fault and chose to be crushed out of existence rather than strike.

This does not help the war effort. Discontent and friction are the sum total result rather than the co-operation and confidence so necessary for total war.

A proper Collective Bargaining Bill would have ensured the latter result.

"The largest factory in our district and by far the most important war producer is McKinnons Limited (General Motors subsidiary). Nearly 5000 workers in this industrial giant produce parts for tanks, planes and army vehicles, and other vital war material.

The lack of a Labour Bill protecting the democratic rights of Canadian workers to organize into the union of their choice expressed itself in the last strike.

The authorities and the public are acquainted with the fact that this most vital war industry in our area was shut down for 17 days in September 1941 with a consequent loss of 60,000 man power days.

What the public is not aware of however is that this strike is traceable to the lack of a Labour Bill in our Province."

THE CHAIRMAN: Just there, may I interrupt and ask if there have been any strikes in the United States during this period?

A. I believe so.

Q. They have a Labour Bill there, have they not, the Wagner Bill?

A. True.

Q. Do you think the statement is absolutely correct when you say that a collective bargaining Bill here would stop strikes instantly?

A. In the case of the McKinnon strike I believe it would have stopped it.

Q. I merely point that out. That is your brief—that is your opinion but you will agree with me that in spite of the Wagner Act in the States there have been quite a large number of strikes there?

A. I believe when I proceed with the brief I will uncover some evidence that will have a greater bearing on the McKinnon strike I mentioned in 1941.

Q. Your submission is that a collective bargaining Bill will end strikes in Ontario?

A. It will go a long ways towards ending strikes. I would not say we will have no industrial strife at all, but it will certainly lessen it.

Q. If we could get some Bill that would, we would all be happy.

A. That is what we are all working for.

“The McKinnons’ management and Mr. Wecker, general superintendent at the time were influenced by the notorious ‘Colonel Carmichael,’ whose real name is ( ) but who operates under many aliases including that of the ‘Digger’ and is well known as a type of super labour-spy.

What has the absence of a Labour Bill on Collective Bargaining to do with this?—Simply this:

Basing itself on the assurances of said ‘Colonel Carmichael’ that he could smash the union by a policy of stirring up friction between non-English-speaking and English-speaking brothers in the U.A.W.A. union local, plus building a large secret organization inside the plant with the help of the company and its favoured employees, he encouraged the company to take an intransigent attitude toward the union with which it had a collective bargaining agreement.”

THE CHAIRMAN: How do you know that?

A. We have evidence here to support that, Mr. Chairman. We have affidavits attached to your copy of the brief.

Q. This is the first time we have heard of Colonel Carmichael.

A. You will probably hear more of him before the evening is over.



"It was this stubbornly hostile attitude on the part of the company that eventually forced the unfortunate strike of the 4000 employees of McKinnons.

A proper Labour Bill in our province would have eliminated the possibility of the company being interested in such doubtful and harmful adventures against the union. Nor is the raising of this matter simply a question of past history. It is very timely, indeed, for at this very moment the union and the management of McKinnons are in the midst of negotiations. The negotiations are somehow very, very slow and it is disturbing to note that 'Colonel' Carmichael has been operating again in our area during the last few weeks.

A proper Labour Bill in our province would put out of a job the nefarious activities of 'Colonel' Carmichael and his ilk.

A proper Labour Bill in our province along the lines of that proposed to your committee by the T. & L. Congress and C.C.L. spokesmen would make it possible for the union in McKinnons and every other union in our city and vicinity to devote its time to improving war morale and war production instead of concentrating on a fight for the organization's life.

All union members and the vast majority of the citizens of St. Catharines and district therefore appeal to the provincial parliament to enact such a Collective Bargaining Bill at this session so we can get on with the war effort."

Mr. Chairman, if I may, I would like to call upon an employee of the McKinnon Industries, a man who was an employee at the time of the McKinnon strike in 1941, and who has signed one of the affidavits that I have presented here to-night.

Reporter's Note: (For the sake of the record, the following is a copy of the two affidavits attached to the above brief.)

"I, Donald Schoures hereby testify to efforts by one known to me as Digger in attempting to form a secret organization of employees of the McKinnon Industries Limited, St. Catharines.

Early in September, 1941, I was approached by a group leader in the plant, Arthur Othen, and requested if I wished to attend a meeting on government business.

I was taken to a meeting of other McKinnon Group leaders and employees of the Company, employees who had attended upon the invitation of various group leaders. The person known as Digger but has been identified as one Colonel Carmichael was the leader and principal speaker. The people present at the meeting were informed by Digger that they were there to combat any forms of sabotage. In his speech the speaker advised all present to watch the McKinnon employees of foreign extraction while in the plant for possible sabotage by them.

The Digger stated he was in favour of union but that Local 199 UAW-CIO was dominated by foreign born people and the leaders of the union would be guilty of sabotage if strike action took place at the McKinnon plant. He requested all members of his organization the Inner Circle Counter-Sabotage Committee to keep the wheels of industry turning whatever the cost. Included in the membership of the Inner Circle Counter-Sabotage Committee were members of Local 199 UAW-CIO. Statements made by Digger at this meeting proved he was in receipt of decisions made at unions meetings. He condemned the union in the taking of the strike ballot declaring it was not properly conducted, members being forced to vote in favour of strike action which was untrue. He further declared any strike action would be illegal which was untrue.

Throughout the meeting he dwelt on the functions of the union which he criticized, rather than forms of sabotage the organization he had set up was supposed to discuss.

In my opinion the Inner Circle Counter-Sabotage Committee was set up as an anti-union organization rather than an anti-sabotage group.

Signed: Donald E. Schoures."

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"March 15th, 1943.

It was common knowledge of the Executive of Local 199 UAW-CIO previous to the McKinnon strike that a secret organization had been formed of McKinnon employees. This secret organization we learned during the strike was known as the Inner Circle Counter-Sabotage Committee. The organization was formed by a man known in St. Catharines by the names of Colonel Carmichael and 'the Digger'.

Through investigations by Mr. Donald Schoures and myself we learned the names of many of the members of this organization which had as leaders foremen of the McKinnon Industries and group leaders of that plant. There were also members of the Inner Circle Counter-Sabotage Committee who were members of Local 199 UAW-CIO.

There was also a unit of this secret organization operating in the Hayes Steel Products Limited, Merriton, in which were enrolled some of the Executive Officers of Local 676 UAW-CIO.

From information gathered by Mr. Donald Schoures and myself we learned this secret organization were given talks by Colonel Carmichael on ways and means of countering sabotage within war industries in the beginning but later the talks became attacks against the Unions in McKinnon Industries Limited and Hayes Steel Products Limited.

During the McKinnon strike, Local 199 UAW-CIO suspected trouble would be caused in the picket lines by the I.C.C.S.C. and information regarding the activities of Colonel Carmichael were reported to Inspector Kemp of the R.C.M.P. who was in charge of the police officers during the

strike. From our information it was decided R.C.M.P. Officer Bela would be detailed to investigate the activities of Colonel Carmichael. This was done.

Mr. George Burt, Regional Director of the UAW-CIO, met this Colonel Carmichael in St. Catharines during the strike and recognized him as a man who went under the name of Martin in the Windsor area.

It was from the I.C.C.S.C. that the back to work movement of the McKinnon strike was formed. Leaders of this movement were members of the I.C.C.S.C.

In my opinion this Colonel Carmicheal through his organization did much to lengthen the time of the McKinnon strike because of the opportunity presented to the McKinnon Management of breaking Local 199 UAW-CIO completely.

(Sgd.) Fred G. Steeve."

THE CHAIRMAN: Mr. Habel points out to me quite properly that it could hardly be the same man. In the brief submitted by the Ontario Communist Labour Total War Committee this morning, on page 5, it says:

"In general it must be admitted that the workers of Ontario, led and influenced by the organized labour movement, have met the tests and demands of the war in a manner which testifies to their patriotism, fairness and perseverance. None other than H. J. Carmichael, Co-ordinator of Production of the Federal Department of Munitions and Supplies, has said:" then he paid great tribute to Canadian labour.

That is not the same Carmichael?

WITNESS: I had that drawn to my attention when I sat down. The Minister of Labour mentioned it to me. He thought I should make it quite clear. We refer to Colonel Carmichael, or whoever this man might be. In the affidavit we are presenting on this question you will notice he also goes under the name of Martin in Windsor. It is not H. J. Carmichael who was at one time vice-president of the McKinnon Industries and General Motors.

THE CHAIRMAN: Has this man been injured that you are talking about, lost a leg or something?

A. Yes.

MR. HABEL: You say he goes under the name of Martin?

A VOICE FROM THE AUDIENCE: He went under the name of Martin when he was in Windsor.

ANOTHER VOICE: He went under another name in Nova Scotia.

THE CHAIRMAN: At any rate, it is not the same Carmichael.



FRED STEEVE, sworn.

WITNESS: I would like to elaborate on Colonel Carmichael. I understand he came into the St. Catharines area quite a while before the strike.

THE CHAIRMAN: Did you ever meet him?

A. I have met him. I wouldn't say I met him face to face but I have seen him very often. During the strike I met him three or four times, not personally. I have met him in the same store as myself. I knew who he was.

Q. How did you know who he was?

A. I had him pointed out to me by a man who was at one time at one of the meetings conducted by him, a fellow by the name of Don Schoures. He also signed an affidavit. This Colonel Carmichael set up three what he called plant units; this was a secret organization that went under the name of the Inner Circle Counter-Sabotage Committee. He issued cards to the employees which had a crest like the Canadian crest. He set up these so-called plant units, one at the Cyanamid, one at the Hayes Steel, and one at McKinnon's, and at the beginning, from what I can gather from different men who had been members, he had started off with an anti-sabotage campaign, and they were pledged to go to work a little earlier and stay a little after five o'clock to see there was no sabotage in the plant. He gradually swung over to an anti-foreign-element, should I say, attitude. He told the fellows that were members of the committee that they should watch the foreign-born workers, that they were the ones who were the Quislings and the fifth columnists, and they were the ones (the Inner Circle) responsible for putting signs throughout St. Catharines and in the plants reading, "We are at war. Speak English only." And certain of the union members tore those signs down in the plants.

THE CHAIRMAN: You think he was against the Chinese and the Americans and the Russians?

A. No. He was against mainly what he considered the Central European people.

Q. Not against the Norwegians or Dutch?

A. No, he just said the foreign-born workers.

MR. HABEL: In what year was that?

A. That was in 1941.

Q. Early in 1941?

A. No, it would be in the summer of 1941, June and July, while the strike was on, or before the strike was on. We knew this secret organization was formed, and it was not till the day before the strike happened in September that I was asked to go out to see a meeting that was being held at what was called the Griffith Farm just outside of St. Catharines. There was approximately 150 to

200 men at this meeting. These were members of the so-called Inner Circle Counter-Sabotage Committee. From what I have learned from Don Schoures and other members of the Committee, some of whom were union members, the night before the strike happened he came out with a very anti-union attitude, and some of the men who were union members stepped forward, and there was quite an argument on it. Anybody who showed in any way they were against the so-called Inner Circle were never invited back to the meeting. I gathered later there was originally 100 members of this organization, many of which were group leaders and foremen of McKinnon Industries. I have the names in my pocket here that were taken down during the McKinnon strike. They were pledged to get 15 members apiece who would be pledged to go in to work regardless of strike action or under any circumstances. In my opinion this man was working in the area considerably before the McKinnon strike, and was largely responsible for the attitude of the management on the question of the demands of the workers at that time through our local. It was also our understanding, or our belief, that this man was largely responsible for the strike going as long as it did.

We realized these members he had in his organization were meeting throughout the strike, and we were afraid that the picket lines, which had been very peaceful, might be broken by members of the Inner Circle Counter-Sabotage Committee. It was with this idea in mind that Bob Steacy, who was the international representative at that time, myself and Don Schoures contacted Inspector Kemp of the R.C.M.P. and had a talk with him and two of his officers, and outlined to them just what we knew about Colonel Carmichael. We pointed out the strike had been peaceful, and as far as we were concerned it would continue to be so, but we were afraid Colonel Carmichael and his organization might cause trouble. Inspector Kemp detailed Mr. Bela, an R.C.M.P. officer at the Falls, to trail this man and see what he could find out about him. In the meantime, George Burt, Regional Director of the UAW, along with Jim Smith, came to St. Catharines. When I began telling them about Colonel Carmichael they were interested, and when I described him they pointed out he was a lot like a certain individual who had appeared down in Windsor going under the name of George Martin. He told them he was interested in the members of the UAW who had been discharged after a small strike in the Chrysler plant in Windsor. There was about 64 men fired at that time. George Burt was interested. We went to see Bela of the R.C.M.P. We talked it over with him, and he agreed to have this Colonel Carmichael in the Crystal Restaurant in St. Catharines at a certain time, at which time George Burt would appear and see if he recognized the man as Martin. George Burt walked in—I was a short distance behind him, because I realized Carmichael knew me—he walked past and stopped and spoke to Carmichael, as we knew him in St. Catharines, as Mr. Martin. He admitted to the name of Martin with Bela sitting there. He told George Burt he thought he could be a big help to him in settling the McKinnon strike.

As time went on we decided we should expose this person, and we decided we would try and get a picture of him. He was to meet George Burt at a certain time and discuss the particulars in Niagara Falls at the General Brock Hotel. The understanding was that two other fellows and myself were to try and get a good picture of this Colonel Carmichael. However, he was a lot smarter than we thought he was, and we never did get a picture of Colonel Carmichael.

THE CHAIRMAN: You can get one now, can you not?

A. No, I have not seen him recently. We do know this, that Carmichael formed those groups; he started off with the idea of anti-sabotage and ended up as anti-union.

We believe that a proper Collective Bargaining Bill would prevent such a person as Colonel Carmichael or Major Kay, or George Martin, whatever name he went under—I used to have them all; we knew about four names he went under. The peculiar part to me was, he was well known to the police and nothing was done. I would say at the meetings, particularly with the McKinnon group that were held at the Griffith Farm, he used to have beer, wine, liquor and a big feed for them at every meeting.

THE CHAIRMAN: And a big attendance.

A. And a big attendance. This was known. Don Schoures, the other fellow who signed the affidavit, also went to the city police in St. Catharines and reported this man to them, and as far as I know, no effort was made to pick the man up on the question of going under two or three different names.

THE CHAIRMAN: That is not a crime.

A. We could not understand ourselves why it should be that a man such as Carmichael could go to the Windsor, stick his nose in union affairs; come into St. Catharines and form some organizations, without anything being done about it.

THE CHAIRMAN: They would have to have some charge against him under the Code to pick him up.

A. Isn't it illegal for a man to go under an assumed name?

THE CHAIRMAN: We hope that day never arrives. You can use whatever name you like.

MR. PAT SULLIVAN: I would like to ask the witness, did he ever know this Colonel Carmichael to go under the title of M.D. when he was up in this part of the Peninsula?

WITNESS: The names I have heard him mentioned under are Colonel Carmichael, the Digger—he claimed to be a secret service operative years ago. He could spin quite a yarn, by the way. He let on he was an Australian by birth. I also understand he went under the name of Major Kay one time. I believe that he is in nationality a Russian Jew. I believe that is where he comes from originally.

MR. PAT SULLIVAN: The reason I asked that; I met Colonel Carmichael in Nova Scotia in 1939. He called me up as a very humanitarian person when we had a strike, and he was registered in the hotel as Dr. Michael, M.D. He was posing as a doctor who was not practising, and I am given to understand it is the same party.

WITNESS: I have here a list of names, I would like to have it back, it is the



only list I have, of men who, if they were not members of this Inner Circle Counter-Sabotage Committee, at least attended meetings.

THE CHAIRMAN: I do not think you need to stress that Colonel Carmichael matter now. We have information coming to us sometimes too. I think we know Colonel Carmichael.

MR. GARE (preceding witness): Mr. Chairman, we have two affidavits to substantiate any claims we have made in our brief. Unless there are any questions the Committee wish to ask, we will table our brief and the affidavits, and you can get on with your next delegation. We do not wish to take up too much time. Your legal counsel has informed me you have a great many appointments before you between now and when you conclude your hearings. We do not want to waste time. We only want to impress upon you the need for collective bargaining, and how it will do away with such people as this man Carmichael and give the workers an opportunity to express themselves through an organization of their own choice.

THE CHAIRMAN: You are negotiating now?

MR. GARE: Yes. There are negotiations being carried on in McKinnon Industries, although I am not an employee and a member of the Automobile Workers Union.

THE CHAIRMAN: Negotiations between the CIO and McKinnon Industries.

MR. THOMAS DEALY (St. Catharines Delegation): Mr. Chairman, I happen to be one of the officers of the Trades & Labour Council of St. Catharines. Yesterday you had a gentleman come here, a lawyer named Keogh from St. Catharines, who claimed that he represented 30 plants and 25,000 workers.

THE CHAIRMAN: Employing 25,000 workers.

MR. DEALY: Employing 25,000 workers. And the title of that organization was Industrial Relations Institute. We never heard of anything like that. That must be one of these over-night outfits.

THE CHAIRMAN: We had not heard of it either, Mr. Dealy, but he explained it was a combination of these 30 corporations who had formed a non-profit sharing company under the laws of the Province of Ontario. It was a banding together by way of a corporation of the thirty-odd manufacturers down in that district.

MR. DEALY: In one plant?

THE CHAIRMAN: No, into a corporation.

MR. DEALY: Anyway, we take exception to that item because we thought it might influence this Committee.

THE CHAIRMAN: Oh, no. He was representing the employers, not the employees.

MR. DEALY: Anyway, the brief has been presented from the Trades & Labour Council. I would say when this Bill did not come before the Legislature, as we had hoped, we felt a little disappointed, to say the least.

THE CHAIRMAN: It was said it would come before this session of the Legislature, but it was not said when.

MR. DEALY: It did not go in as a Bill. This Committee was formed to inquire into this question. Since reading the evidence presented at these meetings I must say I am glad it did not come before the House before these meetings were held, for this reason: this Committee has heard evidence that proves the need for this Bill, that we do need it. It has been argued, "What would become of the free worker, the worker who did not want to join a union?" I would point out that the people who said years ago, when they were asked to pay taxes for education, "What is the good of it? I have no children. Why should I pay taxes for those who have?"—where would we be to-day if these children were not educated? That was put into the statutes of our country and we are now reaping the benefit by better living. We believe that if the Bill goes before the Legislature it will prove as time does on to be one of the finest pieces of legislation that went through this country.

THE CHAIRMAN: When you say this Bill—?

MR. DEALY: This collective bargaining Act. This Committee has had a good deal of evidence brought before it, but this Committee is not the Legislature. I have no doubt this Committee is an impartial one and will bring in a favourable report, but will the Legislature bring in favourable action?

THE CHAIRMAN: If they do not do what we ask, why, we will resign. If we could get some infallible individual to draft a Bill that would satisfy everybody it would take a load off our minds.

MR. RICHARD JACKSON (St. Catharines Delegation): We in the Pulp and Paper industry in the Niagara District are very interested in keeping what we have. We have collective bargaining and have had it for thirty years, almost thirty.

THE CHAIRMAN: Who are "we"?

MR. JACKSON: The pulp and paper industries. I represent Local 84 of the Ontario Paper Mill, a place where once a year we meet together, discuss our problems around a table. On the first of next month I expect to come before them and sign again for another year.

THE CHAIRMAN: What union is that?

MR. JACKSON: The pulp and paper industries—the International Pulp & Sulphite Union.

MR. NEWLANDS: Is that a shop union?

MR. JACKSON: No, international.

THE CHAIRMAN: We have heard some good representatives from that union.

MR. JACKSON: We do not want to lose what we have, but we want it spread around to the others who have not got it. Believe me, gentlemen, if anyone tries to take away from us what we have fought hard for, we will stand up and fight. We are not going to lie down to it. I will not take up your time, gentlemen, but I assure you we are in sympathy with all the unions throughout the Niagara district, and we want them to be the same as we are,—decent citizens, meeting our management and working co-operatively together for the benefit of our industry and our country as a whole.

MR. ANDERSON: We had your Mr. Stevens here a day or so ago.

MR. JACKSON: That is enough.

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#### NEWSPAPER GUILD

A. A. McLEOD, sworn.

MR. FURLONG: Q. Mr. McLeod, where do you live?

A. I live in "Holy" Toronto, sir.

Q. What is your position?

A. I am a journalist by profession.

Q. What do you do now?

A. I write.

Q. At the present time?

A. Yes.

Q. For what paper?

A. For the labour press.

Q. You are of the Newspaper Guild?

A. That is right. I am a member of the Newspaper Guild, which is an international organization affiliated with the Congress of Industrial Organizations and the Canadian Congress of Labour, and has upwards of 18,000 members.

Q. Is that a weekly or monthly?

A. Which?

Q. The Guild?



A. No, it is an organization.

Q. It is a union?

A. It is a union, that is right.

Q. You have a statement you want to make?

A. Yes.

Q. You have been here all through the hearings. I have seen you here.

A. That is right.

Q. I take it you have heard everything that was said?

A. That is right. Now I would like you to hear everything I have to say.

THE CHAIRMAN: No doubt you will get a good press.

WITNESS: I am not so sure of that.

Mr. Chairman and gentlemen, first of all, having sat through these long sessions for the last two weeks, I feel that the first thing I should say is to express my deep appreciation as a Canadian citizen to this Committee for the very fair way in which it has met all the various delegations that have appeared before it. I do not need to remind you that some rather dire predictions were made about this Committee. Someone even went so far as to say that it would be a repetition of the Dies Committee in the United States. I think there are a lot of people in the United States, Mr. Chairman, who would gladly exchange you for Mr. Dies.

THE CHAIRMAN: I do not want his place.

WITNESS: I have felt that the sittings of this Committee in a very real sense represent democracy at its best, and regardless of what may happen in the end, no one who has appeared here will be able to say that he did not get a fair hearing.

I would add, furthermore, that after this Committee completes its work you may find yourselves in the position of having to go to the people—that is, the Government you represent—and if you should not fare so well at the polls—

MR. NEWLANDS: Why do you say that?

A. I do not want to alarm you. I just want to observe that all the members of this Committee would make admirable trade union organizers, and I can imagine Mr. Habel tackling a job of organizing the metal miners up in his constituency, and doing a very good job at it, after having profited by the experience he has had here listening to all these claims of the labour movement.

Now, Mr. Chairman, the subject matter before this Committee is not new,

unfortunately. This whole question of collective bargaining has been discussed in this country for many years, and particularly during the past twenty-five years, because in the midst of the last war, towards the end of the last war, the Government of the day, confronted with a great deal of unrest, felt obliged to pass an order in council dated and enacted the 11th July, 1918, which reads in part as follows:

"That all employees have the right to organize in trade unions, and this right shall not be denied or interfered with in any manner whatsoever and through their chosen representatives should be permitted and encouraged to negotiate with employers concerning working conditions, rates of pay or other grievances."

That was on the 11th July, 1918.

Some exception was taken this morning to a statement that was made regarding a piece of legislation which was introduced in this war. The statement was made that it was a "pious platitude". I do not consider that very offensive language. I am sure much more offensive language has been used in the Assembly upstairs. The fact of the matter is that twenty-five years ago the then Government recognized the right of working people in this country to organize in trade unions of their own choice.

Then, skipping a year, in 1919, the urgings of this order in council not having had any effect, we find a Royal Commission stating as follows:

"On the whole we believe the day has passed when any employer should deny his employees the right to organize. Employers claim that right for themselves and it is not denied by the workers. There seems to be no reason why the employer should deny like rights to those who are employed by him.

Not only should employees be accorded the right of organizing, but the prudent employer will recognize such organization, and will deal with duly accredited representatives thereof in all matters relating to the interests of the employees, when it is sufficiently established to be fairly representative of them all."

That is a Royal Commission Report in 1919.

Then, as the Minister of Labour pointed out in his statement in the Assembly shortly after the House opened, the signatories to the Treaty of Versailles wrote these principles into that Treaty, providing as follows:

"First—The guiding principle that labour should not be regarded merely as a commodity or article of commerce.

Second—The right of association, for all lawful purposes, by the employees as well as by the employers."

Then there is one other quotation I would like to put on the record—a statement made by the late Honourable Norman Rogers, formerly Minister of

Labour, and, in my view, perhaps the best Minister of Labour that Canada ever had.

THE CHAIRMAN: I think we will have to strike that from the record.

WITNESS: I am speaking now in the Federal Government. I said one of the best. I did not realize you (Hon. Mr. Heenan) were here. He was a close second to you. This is what Mr. Rogers had to say:

"Whether the recognition of Unions is left to the discretion of employers or made obligatory by legislation there is no doubt that the organization of Unions will continue and their membership increase. . . . In collective bargaining wage earners feel that sense of self-reliance and definite status which only voluntary action can give. These qualities are of great importance in any democratic country. In England it has long been recognized that the Union with established traditions of good faith in meeting its engagements is a bulwark of democratic institutions and a stabilizing influence in the economic organization of the state."

And so one might go on citing these very fine declarations regarding the right of workers to organize in unions of their own choice, and we might add to the list statements made by such organizations as the Canadian Manufacturers' Association and other economic bodies, but the end result of all this, Mr. Chairman and gentlemen, recalls some humorous lines running as follows:

"Mother may I go down to swim?  
Why, yes, my darling daughter.  
Hang your clothes on a hickory limb,  
But don't go near the water."

The recognition of these rights has not resulted in any effective legislation to make them binding on the employers of this country.

I would point out that there are a lot of rights in this country which are recognized, such as the right to cross the street; and when we put that right in the form of a statute we do not stop there; we immediately proceed to formulate regulations and laws, and to establish penalties to deal with people who would abuse that right. And I think that we have now reached the point where, having the experience of the past twenty-five years to guide us, we should really come to grips with this whole question and settle it once and for all.

I think, Mr. Chairman, that there is very little that needs to be added to the submission made to this Committee by the Trades & Labour Congress of Canada, and the Canadian Congress of Labour. I think that these two briefs represent in a pretty full sense of the word what the working people, the organized working people in Canada, consider to be the elements that should enter into a piece of collective bargaining legislation. And I think that the Committee got off to a very good start in having placed before it the thirteen points of the Minister of Labour. I think that they were very carefully considered points, and I think if those thirteen points are taken, plus the elaboration of them as contained in the brief of the Trades & Labour Congress of Canada, and the Canadian Congress of Labour, that the Committee will have something pretty substantial to deal with.



I would stress particularly myself the first point, namely, Freedom of Association. This is something that any Bill drafted would have to define in a most precise way. Secondly, the Bill must certainly contain adequate machinery for determining the collective bargaining agency. Thirdly, I think that the Bill must of necessity outlaw this thing known as a company union. I am not going to bring before you any more examples of company unions at work, except to make this observation—

THE CHAIRMAN: How do you mean outlaw it?

A. I mean to say the definition of "freedom of association" must be so precise as to rule out of collective bargaining machinery any unit which could be defined as a company dominated unit.

MR. ANDERSON: Would you want to rule out something like the Bell Telephone Company's plan?

A. No, I am not prepared to go into the merits of that, Mr. Chairman, because I think there is a difference of opinion on that question, as to whether or not the Bell Telephone unit is a company union. I was a little scared myself by the statement made here that the Bell Telephone Company pays travelling expenses of the representatives of this union, and a number of other statements that were made. It seems to me that brings it pretty close to the danger zone. But I would call your attention to the fact that the brief of the Trades & Labour Congress, and the Canadian Congress of Labour pointed out very clearly that both these organizations recognize the right of existence for unions which are not part of either, and I think that ought not to be overlooked. In my judgment, all company unions, all unions which fall within that category, are conceived in sin and born in iniquity. (Applause from the audience.)

THE CHAIRMAN: It does not seem fair that people should dominate, coerce or bribe persons who are in positions weaker than their own, but the difficulty is in outlawing a bunch of men who are organized in that way. I do not know how you are going to outlaw the men; whether prohibitions against employers resorting to those practices would not be the practical thing.

WITNESS: I do not think it is either necessary or desirable in any legislation which may come before this Provincial Parliament that you should name organizations that belong in the outlaw class. I think the first thing that has to be done is to define under the heading "Freedom of Association" what constitutes a genuine, legitimate trade union unit. I have in my hand here the collective bargaining agreement between the International Nickel Company and the United Copper and Nickel Workers. This agreement is dated the 9th November, 1942, and I would call the Committee's attention to an article which appeared in *The Globe & Mail* of this city, dated February 22, 1943. This is an article by Ken MacTaggart, who was one of the correspondents of that paper, and in the main it is an interview with the leader of this United Copper and Nickel Workers. He was asked the question as to whether or not this organization represented a majority of the members in that industry and he said, "We now have between three and four thousand workers. When we have a majority we will go to the management and request negotiations." And yet, Mr. Chairman and gentlemen, here is an agreement with the United Copper and Nickel

Workers dated November 9, 1942, entered into by the company, and according to the statement of the official of the union, a minority of the employees.

I am not going to quote extensively from this. There are some twenty or more different articles in the agreement.

THE CHAIRMAN: There was not a copy of that filed?

A. I do not know. They are very hard to get, these things. I will be very glad to let you have this one. Every single section of this agreement ends with the words, "The decision rendered by the Vice-President and General Manager shall be final." Every single section, no doubt about that, repeated throughout the agreement.

THE CHAIRMAN: They could not put that in one clause at the end.

A. They might have done that, but they evidently felt it was so good that it would bear repetition. I was particularly struck by a section of this agreement at the end which says, and I want you to note the language:

"This agreement shall remain in full force and effect and be binding upon the parties hereto until the cessation of hostilities in the present war with Germany, either by Armistice or by Proclamation by His Majesty—"

I was curious to know just why it was that Armistice with Germany was the first thing that occurred to the minds of the framers of this agreement, and I can only express the hope that the wish was not father to the thought. In my judgment, there is absolutely no place in this country of ours for that sort of thing. (Applause.)

While I appreciate the applause I want to make it quite clear that I did not bring the audience here.

THE CHAIRMAN: We have heard of that being done.

WITNESS: I am not guilty. You see, there is nothing to be said in defence of that. And I would make this additional point, that these people, like International Nickel and The Steel Company of Canada, when they come before the bar and plead their case, it is always on the basis of desiring to safeguard the security of their own employees, a very paternalistic attitude towards their own employees. But when The Steel Company of Canada set up a company union to drive the United Steelworkers of America out of that city they were not content with arguing with that particular union in the City of Hamilton, but they actually spent perhaps \$20,000 or more spreading their stuff the whole length and breadth of this country, and it was an attempt to undermine the prestige of unions in different parts of Canada that enjoyed perfectly amicable relations with the managements in their respective industries. For instance, it appeared in the Sydney Post-Record in Sydney, Nova Scotia, in a city where you have a steel plant with 4,000 employees, with an agreement, with union recognition and with a labour-management committee solving the problems of production—yet the Steel Company of Canada found it necessary to pay a few hundred dollars to insert an ad in that paper with no other object than to under-

mine the prestige of that organization on a national scale. It seems to me, whether it is a delicate problem for you or not, the Committee in any recommendations that it makes to Parliament will have to take cognizance of the existence of that type of organization. It is a denial and a negation of the whole principle of collective bargaining.

Then I think, of course, that the legislation must contain adequate penalties for those who are guilty of infractions. Mr. Furlong, I am sure, will know just how strict those penalties ought to be.

MR. FURLONG: I might take a look at the old O.T.A.

THE CHAIRMAN: There is not enough money in the country to pay those fines now, is there?

WITNESS: The Chairman has pointed out not once but many times that neither the Canadian Congress of Labour nor the Trades & Labour Congress have asked for the closed shop or the check off, and in that he is quite correct. There are people in the labour movement who insist on the closed shop. There are others who insist on the check-off. I think the Trades & Labour Congress of Canada and the Canadian Congress of Labour take the position, "Seek ye first the Kingdom of Heaven, and all these things shall be added unto you." Or put another way, "I do not ask to see the distant scene; one step enough for me." Give us legislation that will protect the principle, and then once that is clearly established, and labour and management learn how to discuss their problems around a table, if they get to the stage where management and the union are able to agree on the closed shop and the check off, that is perfectly all right. I do not think the Bill needs to outlaw that procedure. For my own part, I have little to say in defence of the check off, because I think it is likely to lead to the disease of bureaucracy. I have seen unions go down and the morale of unions suffer as the result of a cheque being put in the hands of the treasurer of a union each week and each month.

THE CHAIRMAN: You probably heard one man ask me what argument I could give, and that was the first argument I advanced.

A. I do not think it is anything worth fighting for just now.

Now, the Canadian Manufacturers' Association told this Committee that in drafting this legislation they should keep particularly in mind the British experience. I have no fault to find with the counsel, and I would like to make one or two observations about British practice. The first is that trade union activity in Britain is protected by both British law and British custom. Freedom for trade union activity was granted by an Act introduced, if you please, by a Conservative Government in 1875, and I am sure you do not want to lag behind them after seventy-five years. Second: trade unions cannot be incorporated in Britain and are not compelled to register with the authorities. Thirdly: there is no compulsory arbitration in Britain in peacetime. Although the decisions of the Government's industrial court are not legally binding, they are rarely rejected by either side.

I mention these things, not because they have not been mentioned before, but I think they will bear repeating.



Now, Mr. Chairman and gentlemen, before I sit down I want to add this additional word. In my judgment, collective bargaining is something more than providing the mechanics whereby labour and management agree to sit down and discuss a contract. It belongs on a much higher level than that. A few days ago the Federal Minister of Labour told the Commons that up to now 631 labour-management production committees, involving 328,000 workers, have been set up in this country. 322 of these labour-management production committees are in the Province of Ontario. I tried to get from the Minister of Labour some more detailed information about these figures having this in mind: to what extent is the trade union movement responsible for the establishment of these committees; and while he was unable to give me the information in detail he did admit that in the vast majority of cases this higher form of collaboration between labour and management exists in these plants where a union agreement exists. It is I think a well-known fact that the fight, the organized battle for labour-management production committees was launched by the trade union movement of this country, and not by management.

THE CHAIRMAN: There were some managements that initiated it.

A. I think you will find it is a matter of fact that the campaign for labour-management production committees emanated from the organized trade union movement. I believe it was first put forward in this country by Mr. Tom Moore, the President of the Trades & Labour Congress, and later followed by A. R. Mosher of the Canadian Congress of Labour. This, in my judgment, represents the highest form of collective bargaining because it goes far beyond mere questions of hours, conditions and wages, and actually deals with the problem of turning out the weapons of war in Canada's war industries. I think it is a significant fact that the trade union movement should have played such a large part in this country in establishing that kind of intimate association between management and the workers. Certainly, in England it has been a tremendous factor in enabling the British people to turn out vast quantities of arms not only for themselves but for their allies. The same thing is true in the United States where labour-management committees now are recognized by the administration in Washington, who send out not one but dozens of official representatives of the Government to plants to speed up the process of establishing these committees. I was glad to see the other day that the Dominion Government in Ottawa had set up a committee to take on the job of extending these committees throughout the whole of Canadian war industry, and in that task this committee will certainly be assured of the wholehearted support of the Trades & Labour Congress and the Canadian Congress of Labour.

Someone said here to-day—I have forgotten who it was now, so many people spoke—that the thing we have to face as Canadians is that this job we have undertaken is still an unfinished task. The war, in my judgment, is rapidly reaching a very serious crisis. All one has to do is to look at North Africa and the 1800 mile Russian front to see how powerful the German army still is, with perhaps four or five million men available to be drawn into battle. The hardest days lie ahead for this country. Very, very great problems have to be solved, and we simply cannot, Mr. Chairman and gentlemen, afford the luxury of conflict between the workers in industry and their employers. We have to find some way of narrowing down or eliminating entirely the area of conflict between these two essential elements in the life of this country to-day. These two elements

are going to organize. There are a few people in Canada who still believe it is possible during this war to swing over to some other kind of a social system. There are people who tell us, "You cannot win the war under the capitalist system." I think every sane person in this country to-day rejects that. Because, if we cannot win this war for national survival under the economic system that we have, then we will go down, because there is no possible chance, in my opinion, except at the risk of civil war, of changing over from one system to the other. I think labour and management have got to take that into account, and I think it would be a splendid thing if the great economic organizations in this country, an organization of industrialists like the Canadian Manufacturers' Association, would understand that they cannot turn the clock back, as Mr. Rogers said. Regardless of whether or not we safeguard the rights of labour by legislation, there is nothing that can prevent the growth of trade unions. You cannot stop that. It is going to go on. Having paid lip service to the right of people to organize in unions and organizations of their own choice, and having seen how a small group of people have held out all these years, and taking into account the fact that this nation of ours is battling for its life to-day, and in a few months the Canadian press will be carrying long lists of casualties that will reach into thousands of Canadian homes, isn't it about time, Mr. Chairman and gentlemen, that democracy in this country intervened to deal with the recalcitrants in the same way that we deal with people who refuse to obey the rules, and who refuse to abide by the laws of this country? We have had to pass a great deal of legislation that has come down very heavily on the shoulders of people since this war began. We have such legislation as P.C. 7440, dealing with the freezing of wages. That legislation was water-tight and air-tight. It said what it meant, and meant what it said, and there was not very much that could be done about it. Unfortunately, P.C. 2685 dealing with collective bargaining—that legislation did not say what it meant, and apparently did not mean what it said.

MR. HAGEY: Did not do what it said.

WITNESS: Did not do what it said, and I think this is something that the Committee has to bear in mind, that there is no use passing another pious declaration, because it won't satisfy anybody. The bold thing to do here, it seems to me, is to recognize once and for all that free citizens in a free democracy have the right to organize—from their inalienable rights they have a right to do that. They do not deny it to anybody else. And if before this legislation is drafted, The Trades & Labour Congress, the Canadian Congress of Labour, the Canadian Manufacturers' Association and the Board of Trade could agree on what should go into this legislation, then, Mr. Furlong, I think you would almost be out of a job.

MR. FURLONG: I would be home to-morrow night.

WITNESS: It is too bad we cannot have it that way.

My counsel or advice to the Committee, for what it is worth, is this: do not penalize this nation for the sake of a few people who simply cannot play the game.

Now, Mr. Chairman, I told Mr. Furlong I would finish in ten minutes, and he held me to it very strictly. I have gone over that, but I hope the little I have said has been a contribution.





We do not wish to repeat tiresomely on the submissions of other unions. We merely endorse to the full, the Brief of the Trades and Labour Congress of Canada and its main points:

- (1) Collective bargaining legislation to make collective bargaining compulsory.
- (2) Provisions for determining the collective bargaining agency.
- (3) Specific provisions to outlaw company unions.
- (4) Specific provisions to outlaw yellow dog contracts.
- (5) No incorporation of trade unions.
- (6) No provision for registration of trade unions.
- (7) Imposition of penalties for violation of any of the rights given by the legislation.
- (8) Provision for effective administration of the legislation.

These in general we are certain represent the desires of the whole trade union movement.

One of our main points in support of a genuine collective bargaining Bill is that it will greatly facilitate the working of labour-management production committees.

The International Association of Machinists has an enviable record. Ours is a policy of total production for total war. We have fathered and developed the labour-management production committee movement. Before it became the stated policy of the Dominion Government, we initiated the famous labour-management committees of Montreal. Our policy of no strikes for the duration has been eminently successful.

Our militant labour organization fights the fight of democracy at home and abroad, for production, for adequate living standards, to defeat the most dangerous enemy of freedom—the Nazi Fascists and their Axis.

We realize this as a peoples' war, a war of National Liberation of the subjugated peoples of Nazi-dominated Europe. A war in which all classes, all sections of the people are equally threatened. Farmer, Worker, Employer, National Culture and Religion are together endangered, as the fate of France, Czecho-Slovakia, etc., has shown. This is why we champion labour-management production committees. This is why 'business as usual' attitudes must be removed from industrial relations. A genuine labour Bill must go through that we may devote all our energies to the battle of production without having to battle for collective bargaining.

Here are some typical achievements of our production committees. Some 15,000 aircraft workers in Montreal are in the labour-management

movement. In one Montreal plant, the management complained that production of a certain article was limited by five man hours times those in an American plant. This American plant had similar labour force and facilities. The management agreed to a free hand for the union. Within a few weeks production was greater than the American plant.

The manpower problem has been tackled realistically here. The personnel needed for 168 hour week operation of plants, is much greater than at present available. The transfer of workers from consumer industry—with mass training of women and industrial workers, are all proposals of the Montreal aircraft workers. In some of those plants, supervisors courses and advanced apprenticeship schemes are underway.

In the Province of Ontario we also have reason to be proud of our achievements. In the face of great difficulties, the International Association of Machinists is forging ahead on the production and living standard front. Again, Aircraft provides a notable example. One plant was the target of criticism almost daily in parliament for its lack of production of this vital war weapon. The employees tried for almost two years to organize into a trade union. After bargaining reached a deadlock and production began to sink a change of management was imperative. With a sane management, we now have union recognition. Morale reached a new high, and production increased by about two thousand per cent.

Or here is an example from Toronto, where a rift developed in management, resulting in dismissal of the general manager and chief engineer. The management completely lost the confidence of the employees, and morale went down. People threatened resignation, workers grew suspicious of production hold-ups and the International Association of Machinists had to appeal by leaflet for steadfastness on the job to head off chances of a wild-cat strike. The Union demanded government investigation of production, which resulted in a change of management; the company union resigned and turned grievance handling over to the union. Morale here is almost a product of the union. We have helped to build production and advance this plant in the production schedule of our government.

More directly, we cite a case of difficulty due to a company union. In a Toronto plant, where company unionism is entrenched and vicious, our Labour-management struggle is very difficult. In the Briefs of our Montreal brothers, this is cited, too. We give you our record to show what we believe should be done on the production front.

The Labour Bill must be a genuine one to free all union energy for the battle. The war is not yet won. We cannot allow the universally condemned inequalities of pre-war years to continue. The union shop, recognition of National Industries, National Agreements with national wage scales all play an important role in the maintenance of morale.

When industrial relationships are equalized by compulsory collective bargaining, the most important provision of a genuine labour Bill, we shall be a modern nation. Then the courts will be able to protect both parties with equality. The workers do not ask paternal care. They disdain it. They only ask full citizenship.

We have as yet made no mention of post-war reconstruction. If we are hamstrung in our war effort, there will be nothing to reconstruct. We intend, and we know, that this shall not happen. Reasonable, amicable employer-employee relations are essential in this period. To heal the scars of the war, to solve the food problem, re-establish trade routes, to build shattered cities, will necessitate smooth-working employer-employee relations at home. For the base of this reconstruction, a new world of peace, plenty and freedom, industrial relations must be in accord.

The threat to our national existence shall be removed only by out-producing the enemy in planes, tanks, ships and guns. Anything that delays victory by one day or year, is equally criminal. We submit that a genuine Labour Bill shall cut down the United Nations loss of life and the duration of the war. This Bill will be a weapon—a weapon made up of a decent war-time living standard with attendant high morale. No diversion of energy through lack of industrial teamwork must be permitted. Only the fullest co-operation of labour-management committees made possible by the granting of real protection of the rights of labour, can insure the output of the ships, tanks, guns, planes and other material of war that victory demands.

We are sensible of the extreme responsibility of this Committee. We are cognizant also of our own responsibilities. We pledge to fulfil these responsibilities with honour."

Mr. Chairman and gentlemen, we kept that purposely short. We know you have been listening to these briefs for quite some time, and you have just about reached the point of saturation I suppose. We have tried to hold it down to specific instances of where good relationship in the plants between union and management has shown good results. We could have gone to a very great length in that brief and quoted dozens and dozens of cases, but we have held it down in order to make the brief short. A very noticeable incident we mentioned there, we have not gone into it very fully. That is where we mentioned a plant that for a matter of two or three years was the target for criticism in the Government in Ottawa for its lack of production. We fought for two years to get union recognition in that plant, and as we pointed out, when we had a sane manager put in who recognized our union, things started to hum. That plant a year ago was turning out one, one and a half and two planes a week. It turned out 64 planes in the last three weeks, 25 in the last week.

We just quote these to bear out that when we have unions in these plants that co-operate with industry we can get out the production that is going to win the war. The earlier speaker made mention of setting up labour-management production committees. I believe the records will show it was our Internatoinal Association of Machinists' lodge in Montreal, the union that handles the aircraft workers, that inaugurated the labour-management committees in that city. We did so five months before the United States Government even thought of doing so.

THE CHAIRMAN: That is getting down to fundamentals, isn't it, when you get people together in the spirit of goodwill? Miracles almost are accomplished compared to what is accomplished when they are standing at arms' length.

A. That is quite true. Although our first experience in Montreal was



almost disastrous. The company took it the wrong way. When we stepped up their production they laid off our men, and we had a terrible job to keep those men from walking out, and a still bigger job to convince men in other plants this was workable.

THE CHAIRMAN: Do you mean the company did not want the production stepped up?

A. They wanted it stepped up but they wanted to keep their overhead down. When they got their production stepped up to what they thought the plant was capable of doing, 25 planes a week, they never tried to make 50 planes, they never tried to step the men up to make the additional—I am using wrong figures. We had a terrible job to convince our men in the other two aircraft plants in Montreal to go ahead with this scheme. The Fairchild plant had a plane production of 24 a month, and shortly after we inaugurated labour-management production methods they were getting 78 planes. It came to the time also when it looked as though they had reached the peak of production, and had too many men producing—it looked like a lay-off. Our committee were successful, along with the management, in having the Government double their aircraft contract.

I am going to give you figures released, it is no longer a secret. The aircraft production for 1941, the Honourable Mr. Howe released the figures to the newspapers last year. The average for 1941 was 140 fighting planes a month. That takes in fighters, pursuit and bombers. The notable thing is that the plant we had best organized, that plant alone had a turnout of 72 planes for the smallest month in the year; 104 for the highest. The one really unionized plant turned out more aeroplanes than the other seven plants all together. I do not think you have to have much more than that.

THE CHAIRMAN: How about your numbers?

A. The numbers of employees were almost identical. The one plant had the same amount of employees as any of the other plants, the average amount.

MR. ANDERSON: Q. You mean they were working harder after their union was recognized?

A. It was simply a question of labour and management getting together, and a little more co-operation.

THE CHAIRMAN: Contentment.

A. Contentment. They had a wage scale five to ten cents an hour higher than some of the other plants, but it paid the company good big dividends. They did it by classification of the employees, putting them in proper categories and valuating the jobs.

THE CHAIRMAN: If you increased production through increased efficiency and kept the price the same, you would not be raising wages at all.

A. A man might be getting a dollar or two more, but it would not be an

increase in wages from the angle you are looking at it. It was just good business on the part of the company.

Q. Just good business on the part of the taxpayer who has to pay it.

A. We look forward to this Committee to bring in a law to make bargaining compulsory. If all manufacturers have to bargain with unions of the employees' choice, it simply means we have to educate a few manufacturers, even as we had to educate our men into doing more work, co-operating with the plan for more production. It was not an easy thing for us to do. A lot of our men took it as a bitter pill that they should have to turn out more. We had to educate them to that, and we did it through our agreements with the plant. I take it that this Committee in drafting a law would have to use that as an agreement to educate the manufacturers, the same as we educated our men by an agreement.

There is one other point why we say bargaining should be compulsory. The one plant I mentioned where we fought for two years to get a union, where the plant output this last two or three months has been so high, over two thousand per cent of an increase, and that is small potatoes; that management was quite willing to recognize and meet our union, they would meet us every day around the table, but when we came to pinning them down to sign a contract they told us very candidly, "No, we are keeping within any law there is. We will discuss any agreement with you, but we do not have to agree to anything." That is a very poor example. If we do not have a compulsory law it leaves it wide open for this to continue.

MR. HAGEY: How are you going to enforce it?

A. If I go into a store and steal they can enforce the law on me, put me in jail or fine me. If compulsory bargaining is a law the same thing can take effect.

THE CHAIRMAN: The same fellows you have just mentioned, who said they would not sign an agreement, they did sign an agreement, did they not?

A. No. The chief drawback to the agreement went to a better land, I hope.

Q. I see what you mean. You are not hoping he went to the other place.

A. I would not want to wish that on anybody, even the hardboiled management or owner of a plant.

Q. Isn't that the whole business: if you get the men actuated by the right motives you haven't any trouble at all on either side? That is a difficulty I see for this whole Committee, trying to make decent, fair-minded people out of people who are not decent and fair-minded.

A. We can make a very good attempt at it.

Q. You do not blame us if we do not entirely succeed then?

A. No, we still have ways left.

Q. There is the same body of men, the same employees, but you have a change in one man and the whole picture changes, does it not?

A. That is the whole thing in a nutshell. We had the change in the one man, but when the union got to the point that we were starting to get places, and he was starting to get production, he had the reins pulled on him too. Our union had to send a committee to Ottawa to ask for an investigation to bring about amicable relations between the manager and board of directors. You know the result; the Government took the plant over itself, and we signed an agreement with a Crown company, although we had reached the stage where we were going to sign an agreement with this company in any event. They had come down to that. But when the Crown took it over there was no argument about it. We were I believe the first union in Canada to sign an agreement with a Crown company.

Q. It is like the old story. They said there was never a poor Canadian battalion, but they did have an occasional poor Canadian commander.

A. We have one witness I would like to call on, Harry Clark. He is working in a plant that has been through these difficulties, and we have had to call in the Government to investigate to get more production.

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HARRY CLARK, sworn.

MR. FURLONG: Q. Will you sit down and tell your story?

A. I will tell it very briefly, Mr. Chairman and gentlemen.

THE CHAIRMAN: Find out whom he is representing.

MR. FURLONG: Q. What company are you with?

A. I am with the Sutton-Horsley company of Leaside.

THE CHAIRMAN: What do they manufacture?

A. They make aircraft instruments, electrical aircraft instruments. By trade I am an instrument maker.

MR. FURLONG: Q. What union do you represent?

A. Local 1673, International Association of Machinists. I am an executive member of that local.

Q. Go right ahead.

A. I have always been interested in scientific stuff. I come from that particular generation. When I went into that plant, due to my radio making, due to my general training of instrument making, I was very interested in electrical instruments.



THE CHAIRMAN: When was that?

A. That was about the last of the old year. I was in there for a short while and became a supervisor, not because of any particular outstanding ability, but because they needed people who would accept responsibility, and I had accepted it before. I also had the training and a certain amount of experience in instrument making. It was not very long till I found a lot of stone walls and blind alleys. I could not get very far. I had a lot of ideas. I proposed them but somehow or other they never reached anybody. The great problem in an instrument plant, for instance, is cleanliness—things must be clean or the goods will not produce satisfactorily, there is a high percentage of scrap. Things went from bad to worse at that point, not extraordinarily worse, but kept on. Finally things blew up. There was an inner shift in the management. The president of the company who was also the general manager was fired as general manager by the board of directors. These are the official notices published from the bulletin boards. The chief engineer was also dismissed. Regardless of whether Mr. Horsley was an efficient manager or not, he had always had the confidence of his employees, and kept up not too badly on that account. They thought, in other words, he was not a bad fellow, and after the shift in management the morale went down. They were about to hold a company dance, one of those get-together businesses, and the thing disappeared in the air. Some of them felt so bad they would not even call it. That is a very minor thing. Some people quit. There was a wild-cat strike almost declared. People were arranging to quit in bodies and go elsewhere and get a job.

In that plant you could only suggest production to your foreman. Now there is a production system with awards, such as you have at the John Inglis Company. That had been promised by the company but somehow or other never appeared around through the plants in any great noticeability. Anyway, after this Government investigation, that was the first noticeable result, the award for suggestions.

We had to appeal to our office of the union. We sat in with them. We had to issue a leaflet calling upon the workers to hold steady on their jobs, that we would get better conditions, but in view of the importance of war production they must not leave their jobs—they must not up and just walk out, that we would get a Government investigation. Believe me, gentlemen, that had a lot to do with it. A letter was posted on the bulletin boards around the plant from Ralph E. Bell, Director of Aircraft Production, addressed to the Manager of Works in that plant. A lot of people did not pay much attention to that, and felt more antagonistic still because they thought this particular person was associated with the new majority on the board of directors who had displaced the former General Manager. It was actually our appeal to stand steadfast on the job that kept things from going to pot right there in a couple of weeks.

This investigation is over now. There is a Government controller in the plant. The official notice has been posted on the bulletin boards. There is an inner shift in the management, a new general manager was appointed. A protest was lodged and an investigation demanded by the union, with the result there is a controller in the plant. That must prove something. We anticipate being able to up production in that plant, clean up some of these production difficulties. We anticipate a union shop there. There are some rather low

wages in that plant. We would like to get them brought up. We would like to get equal pay for equal work.

I believe the previous speaker brought out the point that as long as living conditions have to be battled for, as long as union conditions have to be battled for we cannot devote our main attention to the problems of production. Believe me, even at our union meetings, we break away from the problems of wages and we discuss production at every one of our meetings. We are not asked to. It is purely voluntary, but it is in line with our union policy. We anticipate we can help the production of that plant with the new change in management. Before that we felt cut off from the confidence of the managerial staff. We felt we were in a blind alley, we could not get anywhere, our suggestions could get nowhere, we felt there was inefficiency between the departments, lack of co-ordination. Now we hope most of these will disappear. We hope to be able to produce enough instruments that all the aeroplanes that are finished, and as fast as they are finished, can be ferried across to do their job over there.

MR. ANDERSON: Is that a piece-work system?

A. No. There is no incentive bonus system either.

Q. You were talking a moment ago of materials being scrapped. Is that due to faulty design or faulty materials?

A. It is due to a number of things. We cannot necessarily establish it was due to faulty design. That was another complaint. We could not prove whether these instruments were made according to design or not. We were not trusted with that knowledge, of whether these things were in accordance with the blueprints. I have worked in different places where workers were trusted with the blueprints, not all the blueprints, just enough that they could be sure everything was going all right.

Q. Do you not work from blueprints?

A. Not at these assembly jobs. When a question comes up whether this piece of goods is made according to blueprint, we cannot prove whether it is or not because we have never seen the blueprint. We can maintain something is wrong with it, but how can we prove it? And there again that is why demands were made for a change in management.

MR. RAITH (preceding witness): I do not think we have any other witnesses. I want to thank you for a patient hearing. Since we have a strong obligation to observe an eight hour day, we will close with that.

THE CHAIRMAN: Do not ever run for Parliament.

Whereupon the Committee adjourned at 9.10 p.m. until 10.30 the following morning.

ELEVENTH SITTING

Parliament Buildings, Toronto.  
Wednesday, March 17th, 1943 at 10.30 a.m.

Present: Messrs. Clark (Chairman), Anderson, Gardhouse, Habel, Hagey, Newlands, Oliver, MacKay and Murray.

Mr. W. H. Furlong, K.C., Counsel to the Select Committee.

Mr. J. Finkelman, Adviser to the Committee.

Mr. J. B. Aylesworth, K.C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.

Mr. D. W. Lang, K.C., Counsel for the Canadian Manufacturers' Association (Ontario Division).

Mr. F. A. Brewin, Counsel for the United Steel Workers of America.

Mr. J. A. Sullivan, vice-president of the Trades and Labour Congress of Canada (A.F. of L.), and president of the Canadian Seamen's Union.

Rev. Garnet W. Lynd, Chairman of Delegation from the West Toronto Presbytery and the East Toronto Presbytery of the United Church of Canada.

Rev. Dr. John Coburn, Past-President of Toronto Conference, representing Toronto West Presbytery.

Rev. Norman McMurray, Immediate Past President of Toronto East Presbytery, Pastor of Danforth United Church.

Mr. Jacob Bennett, member of Windermere United Church.

Mr. Douglas A. Mutch, Consulting Mining Engineer, Haileybury, Ontario.

Mr. Warren K. Cook, representing the Associated Clothing Manufacturers of Ontario.

Mr. Peter Dunlop, representing the Hamilton Labour Council and employees of Sawyer-Massey, Otis-Fensom, Steel of Canada, Hamilton Bridge, International Harvester, and others.



## MORNING SESSION

THE CHAIRMAN: The committee will please come to order.

Mr. Furlong, what is the first order of business this morning?

MR. FURLONG: First I have some cards to hand in, Mr. Chairman.

Then I have a letter from Mr. Fern A. Sayles, dated March 13th, 1943, enclosing an affidavit which I think should be extended into the record of these proceedings, and also these communications:

The Dundas C.C.F. Club.

Resolution from the International Association of Fire Fighters.

A short brief from the Trades and Labour Council of Stratford, that I think should be extended into the record.

A resolution from the Joint Committee on Collective Bargaining sponsored by the A.F. of L. and C.C.L. Unions in Kingston.

A resolution from the International Union of Mine, Mill and Smelter Workers, Port Colborne.

A resolution from the International Association of Machinists, London.

A letter from B. H. Cash, Jr.

A letter from the Association of Technical Employees, Toronto Structural Branch.

A letter from the Stratford City Council.

THE CHAIRMAN: I have here a letter addressed to myself from Mr. J. Sheddon, recording secretary of the International Union of Mine, Mill and Smelter Workers, Port Colborne, Ontario, asking that the collective bargaining Bill be passed.

Then I have a communication from the Toronto Monthly Meeting of the Society of Friends asking that the collective bargaining Bill be passed.

Then a communication from Dr. H. E. Welsh, M.L.A., Hastings East and Mr. Richard D. Arnott, K.C., M.L.A., Hastings West, enclosing a resolution which I think should be extended in the record of the proceedings.

Then there is a letter from Mr. A. O. Thormahlen, Vice-president and Managing-director of Sawyer-Massey, Limited, repudiating the letter sent to this Committee on the opening day by Mr. C. S. Jackson, which also had better be extended in the record of proceedings.

MR. FURLONG: I would like to file these petitions that have come in from the Aluminum Company of Canada and the Locomotive Company of Canada, Kingston.

Also a petition from the employees of York Arsenals, Limited.

EXHIBIT No. 159: Letter dated Welland, March 13, 1943, from the Rev. Fern A. Sayles, to Mr. W. H. Furlong, enclosing affidavit by the Rev. Fern A. Sayles:

"397 River Road,  
Welland, Ontario,  
March 13th, 1943.

Mr. W. H. Furlong, Counsel,  
Select Committee for Collective Bargaining Bill,  
Room 220, Parliament Buildings,  
Toronto, Ontario.

Dear Mr. Furlong:—

Enclosed please find an oath taken by me to-day in regard to the action of Mr. Davis, President of Atlas Steels Limited, in calling me by telephone at my home and making certain threats to me as spokesman of the Welland delegation which appeared before your Committee last Thursday.

Mr. Anderson, M.L.A., of Welland, previously told me that the Select Committee constituted a Court, and if so I feel that in using this threat 'We may want to fire 200 or 300 men' because of the oaths taken and presented to your Committee by C.I.O. union members. that Mr. Davis might be cited for contempt of court.

At least two facts are clearly revealed by Mr. Davis' threat. He used discrimination and threatened discrimination against the men who took their oath as to what had happened as between The Atlas 'Independent' Union and themselves. His threat as the head of Atlas Steels Limited, to take action because some of the Atlas workers had presented oaths in regard to the Atlas 'Independent' Union, proves that he is vitally concerned and definitely connected with the affairs of the Atlas 'Independent' Union.

I submit this letter and the enclosed oath to your Committee and ask that it be added to the brief and documents already presented by the Welland citizens and Union members delegation.

Yours truly,

(Sgd.) Fern A. Sayles,  
Spokesman,  
Welland Citizens and Union Members  
Delegation."

"March 13, 1943.

"AFFIDAVIT"

I, Fern A. Sayles, swear the following statements to be the truth:

(1) On March 11, 1943, I acted as spokesman for the Welland delegates on the Collective Bargaining Bill before the Select Committee.

(2) On March 13, 1943, at 11.15 a.m. Mr. Davis, President of the Atlas Steels, Ltd., telephoned my house. I was not in but Mrs. Sayles said that I would call back in about fifteen minutes.

At 11.40 a.m. I called Mr. Davis. He said, 'I have been away and my work is piling up and I am trying to get caught up. I see you had a caravan down to Queen's Park. I want copies of those affidavits taken in regard to the Atlas Independent Union.' I said I would have to refer his request to the delegation for which I was spokesman and that if they decided to send him copies of the affidavits I would have no objection. He said, 'We have a legal right to copies of those affidavits. I am for the truth. I have the interests of Atlas employees at heart far more than the C.I.O. has.'

Mr. Davis would give me no chance to answer back but continued to dictate to me his position. He said, 'You had affidavits making charges against the Independent Union; that one man had been offered \$20.00 to join the Independent Union, also other affidavits.' He said, 'When a man takes an oath it is a serious thing. We want copies of those oaths because we want to fire 200 or 300 men.'

Here I got a chance to break in and I said, 'Mr. Davis, that is a threat against those men. That is a threat of the loss of their work, because they honestly acted as free men.' I said, 'Mr. Davis, you are putting yourself on record as threatening 200 or 300 men because oaths were taken against the actions of the Independent Union.' I said, 'Mr. Davis, why should you be so concerned about the oaths regarding the Independent Union if you have no connection with the Independent Union? You are the head of the firm, Mr. Davis, and you threaten to fire 200 or 300 men because members of the C.I.O. Union took oaths in regard to the actions of the Independent Union.'

Mr. Davis apparently recognized that he had spoken too freely for he became flustered. Then he said, 'I have nothing to do with the Independent Union but I want copies of those oaths. We are going to take action and I have a legal right to them.' I said, 'I will refer your request to the delegates and if they decide that you should have a copy of the oaths they can send them to you.'

Here our conversation ended.

(Sgd.) Fern A. Sayles.

Sworn before me at the City of  
Welland in the County of  
Welland on the 13th day of  
March, 1943.

(Sgd.) J. H. Flett,  
a commissioner."



EXHIBIT NO. 160: Communication dated March 13, 1943, from Margaret Baker, Secretary, Dundas C.C.F. Club, Dundas, Ontario, to the Premier of Ontario:

"DUNDAS C.C.F. CLUB

Dundas, Ontario

March 13, 1943.

To the Honourable the Premier of Ontario:

As Secretary of the Dundas C.C.F. Club, I have been requested to send you the following appeal.

'We, the members of the Dundas C.C.F. Club, wish to impress upon you the urgent necessity of the immediate passage of a Démocratic Collective Bargaining Bill.

We maintain that such a Bill will promote unity of labour and management in our Ontario industries so necessary at this most critical period of our country's history.

Unity of labour and management will increase the flow of materials to our armed forces and thus hasten the victory of the Allied Nations over the forces of Fascism.'

Dundas C.C.F. Club,  
(Sgd.) Margaret Baker,  
Secretary.

Hon. Gordon Conant, K.C.,  
Parliament Buildings,  
Toronto, Ontario."

EXHIBIT NO. 161: Letter dated March 15, 1943, from James Preston, Vice-President, 13th District, International Association of Fire Fighters, to Mr. W. H. Furlong, enclosing resolution:

"Toronto, March 15th, 1943.

Mr. W. H. Furlong, K.C.,  
Counsel for Select Inquiry Committee,  
on Collective Bargaining,  
Provincial House,  
Parliament Bldgs., Toronto.

Dear Sir:

By authority of our International Association, I am enclosing a copy of a Resolution which was adopted at our recent International Convention.

I trust that you will take the necessary steps to have this Resolution

dealt with, with a view to having the principle of said Resolution embodied in the provisions of any Act, which may be enacted, with respect to Collective Bargaining.

With best wishes, I am,

Yours sincerely,  
(Sgd.) James Preston,  
Vice-President,  
13th District."

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"RESOLUTION RESPECTING COLLECTIVE BARGAINING

Whereas: The Select Committee of the Legislature of the Government of the Province of Ontario are at the present time holding an inquiry with respect to Collective Bargaining, as between Employers and Employees in Industry throughout the Province of Ontario, and

Whereas: The Imperativeness of this legislation to Firefighters has been manifested in their dealings with Municipalities throughout the Province on many occasions, and

Whereas: Firefighters should be entitled to the same consideration as are workmen in all other forms of employment, therefore be it

Resolved: That the Executive Officers of the International Association of Fire Fighters be instructed to petition the Legislative Assembly of the Province of Ontario to have Fire Fighters included in the provisions of any Act, which may be enacted, respecting Collective Bargaining."

EXHIBIT No. 162: Memorandum re Collective Bargaining presented (by mail) by the Stratford District Trades and Labour Council, dated March 12, 1943:

"INTRODUCTION

To the Honourable Members  
of the Select Committee on Collective Bargaining,  
Government of Ontario.

Gentlemen:

This brief, representing all organized workers affiliated with the Stratford District Trades and Labour Council, Dominion Trades and Labour Congress and the American Federation of Labour, an approximate total of 1,600 workers, residing in Stratford, Mitchell, St. Marys, Sebringville, Tavistock and Shakespeare, desires to express their appreciation of the opportunity afforded to record and present our views before your Committee.

As organized workers, we again express our regret that legislation enacting Compulsory Collective Bargaining has long been delayed, in the Province of Ontario, and hope that the Select Committee on Collective Bargaining will speedily recommend this action.

It will be noted that our presentations are a reiteration of past submissions to other bodies, and we express the profound hope, in the course of your deliberations and findings, that the Committee on Collective Bargaining will recommend to the Legislature a 'Compulsory Collective Bargaining Act', and that same be brought down at the present sitting of the Legislature.

For many years, the representatives of organized labour in this district, have been actively engaged in promoting the welfare of its members, and in our experiences, we have found that only through the process of genuine Collective Bargaining principles, can Industrial unrest be avoided, and harmonious relations exist between employer and employees. We therefore believe the only sound economic principle which will promote mutual trust and harmony—insure the highest degree of co-operative effort in industrial relations—is compulsory Collective Bargaining.

For a number of years Trade Unionists in this community have enjoyed harmonious relations as a result of Collective Bargaining Agreements with their employers.

The City of Stratford is situated in the centre of the Furniture Industry in the Province of Ontario, and employs approximately 1,000 workers, covered by The Industrial Standards Act.

At the present time, the vast majority of the workers in the Furniture Industry are totally unorganized. It is true that welfare and other types of organizations exist in many of these plants, but genuine Collective Bargaining principles have long ceased to exist.

The experience of the past since the year 1933, is still foremost in the minds of furniture and other workers. Thus we find that fear is still the predominant factor, and the reason for lack of, or failure to express their actions into Trade Unions.

The workers in this County remember the Furniture Strike of 1933, and the unfortunate situation which it developed. To-day, the city and district still suffer industrially because of that affair.

If the principles of genuine Collective Bargaining had been on the statutes of Ontario at that time or had been recognized by the employers, much enmity would have been avoided. In this Labour dispute, because of fear and misunderstanding, the rumble of tanks, guns, and armed soldiers appeared into this peaceful community. The only city in Canada where a Labour dispute occurred that tanks were sent. To quell a mob of rioting strikers—no, no,—for not a window-glass was broken or one dollar's damage to private or public property.

The representatives of organized Labour were the first to propose a community co-operative spirit, to remove this stigma. To-day a spirit of understanding exists, but it must be recognized that labour relations need to be broadened so as to prevent a repetition of another industrial dispute of this character.



The Industrial Standards Act, while correcting some aspects of the labour conditions in the furniture industry, is totally inadequate. The Industrial Standards Act merely mitigates, rather than corrects or remedies fundamental issues. This Act should be repealed, and 'Compulsory Collective Bargaining' be enacted in its place.

The employers in Ontario should not look upon genuine Trade Unions as a menace to any industry, but as a medium through which the workers can and do make valuable contributions to industrial progress. Likewise the workers will not look upon employers as a threat to their livelihood, where sound principles of Collective Bargaining are established.

We as Labour men, have repeatedly referred to the spirit of antagonism that exists—the hostility of the employees on one hand, and the too prevalent hostility to Trade Unions on the other hand. Labour, in Stratford, feels that what is wanted is a new spirit—a more humane spirit, one in which economic and business considerations will be influenced and finally corrected by human and ethical consideration.

Theoretically, industry is carried on by joint partnership of Capital and Labour. One side of the scale is easily upset by additional weight on one side or the other.

We therefore submit that a new partnership is essential and inevitable. The mechanics of that partnership can be developed under the influence of a new spirit in the Province of Ontario. There must be a clear perception, however, of the leading principles on which co-operation of employers and employees engaged in industry is to be based.

Organized Labour desires to share in the responsibility of industrial productivity, and so the present system must be so modified that the workers will feel that they are part of the industry and should be closely allied with its control and operation. Daily contact with modern industry however complex, qualifies workers to make important and necessary contribution to successful production operation, and the prosecution of our War effort.

#### THE RIGHT TO ORGANIZE

The right of organization or freedom of association into a group of one's own choosing was expressed by the Treaty of Versailles. It was proclaimed by Order in Council, July 11th, 1918. Again it was proclaimed by the Canadian Government in P.C. 2685, June 19th, 1940.

Legally then, the workers have the rights to organize, 'but because of employers' determination not to bargain with their employees is to deny us the lawful right to do so'.

We believe that the right of association for legitimate purposes has been denied employees in Ontario, by the lack of enforceable legal legislation.

We believe this right should be recognized in our National interests, and Labour should not be denied the means of organizing for Collective Bargaining purposes.

Genuine Collective Bargaining can only be possible where an organization of workers, represented by their own chosen officers or representatives, deal with their employers. The company's agents need not be members of the firm, likewise the employee's agent need not be employed by the Company bargaining with the employees. A legal vote to determine the Collective Bargaining agency should be undertaken where it is the expressed wish of the employees, and 51 per cent should constitute the majority vote. The voting should be free of intimidation or coercion by employers, and should be under impartial supervision. A majority vote in favour of any organization should be mandatory on the part of the employers to deal with that organization selected under a 'Compulsory Collective Bargaining Act'.

#### OUTLAWING COMPANY UNIONS

Company Unions are launched, assisted and encouraged by employers, (who may publicly favour collective bargaining), but fear of genuine Trade Unions, and refuse to deal or recognize their employees as a group as to hours of Labour, wage payments, and working conditions.

In a Company union the employees' representatives may ask for increased wages and better conditions, but the management or the employer has the final authority.

Company Unions, or other types of so-called employees' Welfare Associations should be abolished, and specific provisions outlawing them, should be enacted in a 'Compulsory Collective Bargaining Act'.

#### INCORPORATION OF TRADE UNIONS

The fear of the growing strength of organized Labour, prompts the agitation for the incorporation of Trade Unions, in certain quarters.

Trade Unions, whether incorporated or unincorporated have always been subject to the laws of Canada, and enjoy no privileges that an employer or a corporate body have not.

Trade Unions in Canada have the legal right to become incorporated or otherwise. No trade union, affiliated to the Dominion Trades and Labour Congress, has expressed this desire.

The incorporation of Trade Unions would restrict their activities. The courts of law would decide their laws and constitution. It would make a trade union legally responsible for the individual action of each and all of their members.

In the incorporation of Trade Unions it would mean prolonged litigation against them in the law courts, depleting the funds of the trade union, when dealing with powerful financial organizations. Finally it would be an injustice and discouragement to immediate and peaceful means in the settlement of Industrial disputes.

If trade unions are to be incorporated by law, then all other groups of persons associated together for certain purposes, should likewise be compelled to incorporate.

#### REGISTRATION

The registration of Trade Unions may serve a double purpose in defeating the objects of the legal right to organize.

It may cause a Trade Union to be liable for legal action or lawsuits.

It does and would provide the means whereby an employer, when a Trade Union is in the process of organization, could discriminate against the action or leading members engaged in formation of a trade union in such an industry.

The Stratford District Trades and Labour Council, and their affiliates, file annually with the Department of Labour, the name and address of their officers and their total membership. We are of the opinion that registration is therefore unnecessary.

#### YELLOW DOG CONTRACTS

Provisions should be incorporated in any 'Collective Bargaining Act' to outlaw 'Yellow Dog Contracts'. No worker should be subjected to, or offered a contract disbaring them from membership in a trade union.

#### PENALTIES FOR VIOLATION OF CONTRACTS

In any legislation, specific penalties providing for violation of contracts, should be enacted.

#### ADMINISTRATION OF THE ACT

The administration of the Act shall provide for adequate administrators.

The employer and employee should have equal representation.

The Board's decision should be final, and not subject to legal action.

In the submission of this brief, we ask your earnest consideration of the proposed suggestions, and in doing so we believe that many of the existing injustices can be corrected, bringing co-operation and peace in industrial relations in the Province of Ontario. We urge the Select Committee on Collective Bargaining to propose legislation on the context of this brief.

Our best wishes for a constructive and genuine Collective Bargaining Act in Ontario.

Respectfully submitted,  
(Sgd.) Douglas E. Marks,  
Chairman Legislative Committee,  
Stratford Trades and Labour Council.

(Sgd.) J. P. Regan,  
Secretary.

(Seal)

(Sgd.) K. Cockburn,  
President.



EXHIBIT No. 163: Letter dated March 15, 1943, from Bob Ward, Secretary, Joint Committee on Collective Bargaining, sponsored by A.F. of L. and C.C.L. Unions, Kingston, Ontario:

"256 Bagot Street,  
Kingston, Ontario  
March 15, 1943.

Select Committee,  
Room 220, Parliament Bldgs.,  
Toronto, Ont.

Dear Sirs:

Enclosed herewith you will find a copy of a resolution which was unanimously adopted last night by a joint mass meeting sponsored by the A.F. of L. and C.C.L. Unions in this city.

Yours very truly,

(Sgd.) Bob Ward,  
Secretary, Joint Committee on  
Collective Bargaining."

#### RESOLUTION

"Strong responsible labour unions are the core of democracy and any all-out war of the people against the enemies of their liberties.

A democratic active labour movement is the vital need at the moment, not only of the two and a half million working people in Canada but of all classes whether farmers or office workers, who heart and soul desire the defeat of the Nazis and the victory of human dignity and freedom.

The denial, in practice, of the rights of working people to organize themselves is the denial of every elementary right which Hitler took good care to destroy. At the same time such denial keeps from the Canadian working men and women the very means they need for enthusiastic, efficient all-out participation in our war against fascism.

We, citizens of Kingston, believing as we do in the above sentiments, believing as we do that everything should be subordinated to the swift, successful prosecution of this war for freedom, believing as we do that this does not require the suppression of liberties, but rather their extension, call upon the Select Committee on Collective Bargaining to recommend to the Ontario Legislature that modern collective laws for Ontario be enacted at this session of the House, and that these laws should contain provisions for the outlawing of all forms of 'company unionism'.

We see and hear day by day the results obtained by the participation of free organized labour in the war against fascism in Great Britain, United States and the Soviet Union, and are heartened by the tremendous role our fellow-workers in other sections of the United Nations are making towards defeating Hitler. We in Ontario have noted great advances made in pro-

duction in this country since the outbreak of war, but are firmly convinced that problems militating against an even greater participation of the workers in the battle for production could be allayed by the enactment of laws making collective bargaining compulsory. We are firmly convinced that only through strong legislation of this kind will it be possible for organized labour to pull its full weight in the winning of the war, and along with government and management build the peace that our common struggle warrants.

"BRIEF RE ALUMINUM COMPANY OF CANADA (KINGSTON WORKS)  
COMPANY UNION, KNOWN AS 'THE EMPLOYEES' COUNCIL'

In September, 1941, following organizational activity by the United Electrical, Radio and Machine Workers of America, the management of the Aluminum Company of Canada petitioned their employees and set up an Employees' Council. In a 'shotgun' election held within three days by the Federal Department of Labour, this Employees' Council was successful in winning a vote. It is significant to point out that the Union officials were never given the opportunity to see or to criticize the wording of the ballot used during the vote. The Employees' Council was suffixed on the ballot as having 'all the powers of a trade union'. At the time of the vote three key union workers were locked out by the Company.

Following the vote the Council was set up and has been in operation ever since. There is absolutely no membership. No dues of any kind are collected. There has never been a meeting where the workers can express a democratic viewpoint on matters pertaining to the Council. A full time 'business agent' is retained by the Company.

During the past four months the U.E.R. and M.W.A. have been carrying on organizational work at the Aluminum Plant, and an application for a Board of Conciliation and Investigation was formally made on December 4, 1942. Despite the fact that over 1,100 have indicated their desire to be represented by a legitimate trade union, this desire has been subordinated to a minority of 13 individuals who comprise the executive of the Employees' Council and who do not possess a mandate from the employees in the Plant. A new contract has just been entered into between a few of this group of 13 people and the management which binds the remainder of the employees for a period of one year. This situation has created a great deal of confusion among the workers. Much dissatisfaction is evident at the seeming Federal Government approval of 'Company Unionism.'

We would submit that the Employees Council at the Kingston Works of the Aluminum Company of Canada is wholly financed by the company. That because of the absence of membership, refusal of the Council proper, to have meetings of any kind where the employees would have an opportunity to express their views, that it is a pseudo-democratic set-up controlled by the Company. We submit that in this instance the Federal Government has refused to recognize the legitimate trade union movement and has acknowledged a minority group of 13 people who do not speak for the employees.

We would also submit that actions such as this are opposed to the best interests of production, and Canada's war effort. We feel that the perversion of democracy as exemplified in this case, proves conclusively the need of genuine collective bargaining to protect the democratic aspirations of the workers in this Province."

EXHIBIT No. 164: Letter dated March 12, 1943, from J. Sheddon, Recording Secretary, International Union of Mine, Mill and Smelter Workers, Local 637, I.U.M.M. and S.W., Port Colborne, Ontario:

"March 12, 1943.

Premier Gordon Conant,  
Queen's Park,  
Toronto, Ont.

Dear Sir:

The enclosed resolution was unanimously adopted by the membership of Port Colborne Refinery Workers, Local 637 I.U.M.M. and S.W.

I was instructed to forward a copy to you and the Hon. Peter Heenan and John Clark.

Yours truly,

(Sgd.) J. Sheddon,  
Rec. Secy."

"RESOLUTION

Whereas:

The vast majority of the workers of International Nickel Refining Division, Port Colborne, having organized into a Union of their own choice, Local 637, I.U.M.M. and S.W. and having the intention of approaching the management of Inco. for a collective bargaining agreement and

Whereas:

The anti-union attitude of the management of Inco. if persisted in, will inevitably lead to disruption of the Nickel Industry, when peak production of this metal is vital to the successful prosecution of the war against Nazism.

Therefore be it Resolved:

That Local 637 I.U.M.M. and S.W. petition the Government of Ontario to immediately enact compulsory Collective Bargaining Legislation to ensure Unity in this and other essential Industries for a total war effort."



EXHIBIT No. 165: Letter dated March 14, 1943, from Laurence M. Clark, Recording Secretary, Lodge 383, I.A. of M. to the Premier of Ontario:

"INTERNATIONAL ASSOCIATION OF MACHINISTS  
LODGE No. 383

141 Brisbin Street,  
London, Ontario,  
March 14, 1943.

The Hon. G. D. Conant,  
Premier of Ontario,  
Queen's Park,  
Toronto, Ontario.

Dear Sir:

At the regular meeting of the above Lodge held on Tuesday, March 9, 1943, the following Resolution was endorsed and forwarded to you to be given your most careful consideration.

"RESOLUTION

Whereas—The workers of Ontario have been promised effective Collective Bargaining Legislation for some time, and

Whereas—We believe that such legislation would not only be democratic but would also be in the best interests of a large majority of citizens, would be a benefit to the whole Dominion and would be a great step toward post-war reconstruction planning. We believe democracy is a wonderful thing and that it should be tried out some time. The best time is now, the best place is Ontario, and

Whereas—This Lodge along with the District Trades and Labour Council wish to go on record as deploring the action of (you) the Premier in deferring this labour legislation.

Therefore be it Resolved that—This Lodge urges you Hon. G. D. Conant, Premier of Ontario to bring the Collective Bargaining Bill before the present session of the Ontario Legislature at the earliest possible moment.

Yours truly,

(Sgd.) Laurence M. Clark,  
Rec. Sec. Lodge 383, I.A. of M."

EXHIBIT No. 166: Letter dated March 15, 1943, from Mr. B. H. Cash, Jr., to the Committee:

"March 15, 1943.

Gentlemen:

I am one of the last to write, but one of the strongest advocates for labour democracy.

Group representation by labour to management must come before Canada may lead the world in a post-war peace. If present Bill is for a group or groups representing labour to management then it has my fullest support.

(Sgd.) B. H. Cash, Jr."

EXHIBIT No. 167: Letter dated March 16, 1943, from T. Scott, Chairman, Toronto Structural Branch of Association of Technical Employees to the Premier of Ontario:

"ASSOCIATION OF TECHNICAL EMPLOYEES  
(Affiliated to Trades and Labour Congress)

Toronto Structural Branch

1175 Bay Street,  
Toronto, March 16, 1943.

Hon. Gordon Conant,  
Queen's Park,  
Toronto.

Dear Sir:

At a membership meeting last night the following resolution was unanimously approved:

That the Structural Branch of the Association of Technical Employees go on record as requesting the Ontario government to pass a Collective Bargaining Bill at the present session of the Legislature, and to embody the following points:

- (1) Compulsory collective bargaining.
- (2) Outlawing of company unions.
- (3) Inclusion of technical employees under the provisions of the Bill.
- (4) No yellow-dog contracts.
- (5) Severe penalties against employers who use intimidation of any kind against employees.

Respectfully yours,

(Sgd.) T. Scott."

EXHIBIT No. 168: Letter dated March 16, 1943, from W. H. Dorland, City Clerk, Stratford, to the Premier of Ontario:

"Stratford, Ontario,  
March 16, 1943.

Mr. Gordon D. Conant,  
Prime Minister,  
Parliament Buildings,  
Toronto, Ontario.

Dear Sir:

City Council last night endorsed in principle the resolution of the City of Toronto, Ontario, re Collective Bargaining Bills.

Yours truly,

(Sgd.) W. H. Dorland,  
City Clerk."

EXHIBIT No. 169: Letter dated March 12, 1943, from J. Sheddon, Recording Secretary, International Union of Mine, Mill and Smelter Workers, Local 637, I.U.M.M. and S.W., Port Colborne, to the Chairman of the Select Committee on Collective Bargaining:

"INTERNATIONAL UNION OF MINE, MILL AND SMELTER WORKERS

Local 637, I.U.M.M. and S.W.

192 Mitchell Street,  
Port Colborne, Ontario,  
March 12, 1943.

John Clark,  
Chairman Select Committee on  
Collective Bargaining,  
Queen's Park, Toronto, Ont.

Dear Sir:

The enclosed resolution was unanimously adopted by the membership of Port Colborne Refinery Workers, Local 637 I.U.M.M. and S.W.

I was instructed to forward a copy to you and the Hon. Peter Heenan and Premier Gordon Conant.

Yours truly,

(Sgd.) J. Sheddon,  
Rec. Secty."



"Whereas:

The vast majority of the workers of International Nickel Refining Division, Port Colborne, having organized into a Union of their own choice, Local 637, I.U.M.M. and S.W. and having the intention of approaching the management of Inco. for a collective bargaining agreement, and

Whereas:

The anti-union attitude of the management of Inco. if persisted in, will inevitably lead to disruption of the Nickel Industry, when peak production of this metal is vital to the successful prosecution of the war against Nazism,

Therefore be it Resolved:

That Local 637 I.U.M.M. and S.W. petition the Government of Ontario to immediately enact Compulsory Collective Bargaining Legislation to ensure Unity in this and other essential Industries for a total war effort."

EXHIBIT No. 170: Letter dated March 16, 1943, from Mr. D. B. Lawley, Chairman, Toronto Monthly Meeting of the Society of Friends, to the Chairman of the Committee on Collective Bargaining:

"TORONTO MONTHLY MEETING OF THE SOCIETY OF FRIENDS

113 Maitland Street,  
March 16, 1943.

Dear Sir:

At a meeting of the Service Committee of this Society, on March 15, 1943, at Friends' House, Toronto, the wish was expressed that the views of the Service Committee should be placed before the present Select Committee appointed to submit a report on collective bargaining, in connection with the labour laws of the Province of Ontario.

Following the tradition of the Religious Society of Friends, our Committee records itself in favour of collective bargaining as a humanitarian principle, as well as a matter of law and justice, and begs to point out that any Act in favour of this principle should be worded in simple and unqualified terms.

Yours truly,

Toronto Friends' Service Committee,  
(Sgd.) D. B. Lawley,  
Chairman.

Mr. James Clarke, Chairman,  
Committee on Collective Bargaining,  
The Ontario Legislature,  
Queen's Park, Toronto."

EXHIBIT NO. 171: Letter dated March 6, 1943, from Messrs. Welsh and Arnott to the Chairman of the Committee on Collective Bargaining:

“Parliament Buildings,  
Toronto, Ontario,  
March 6, 1943.

Hon. James Clark, K.C., M.P.P.,  
Chairman, Select Committee on  
Collective Bargaining,  
Parliament Buildings,  
Toronto, Ontario.

Dear Sir:

The enclosed resolutions were presented to us to present to your Committee on behalf of the Industries of Hastings County, viz: Canadian Industrial Alcohol Company; Belleville-Sargent & Co. Ltd.; Corbin Lock Mfg. Co. of Canada Ltd.; Stewart-Warner-Alemite Corp. of Canada Ltd.; Stephens-Adamson Company of Canada Ltd.; Reliance Aircraft & Tool Co. of Canada Ltd.; Bristol Aircraft Products Co. of Canada Ltd.; The Consolidated Optical Co. Ltd.; Mead Johnson & Co. of Canada Ltd.; Deacon Bros. Ltd.; Bell Shirt Co.; J. & J. Cash, Inc.; Swift Canadian Co. Ltd.; Houston Co. Ltd.; Citizens Dairy Co. Ltd.; Canada Packers Ltd.; Graham Dried Foods Ltd. and others. That list represents a payroll of upwards of 4,000 hands. Five of them are the Canadian branches of industrial corporations that are the largest in their class in the world.

Yours very truly,

(Sgd.) H. E. Welsh, M.D., M.L.A.  
Hastings E.

(Sgd.) Richard D. Arnott, K.C., M.L.A.  
Hastings W.”

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“RESOLUTION

Carried unanimously by the Manufacturers' Division of the Belleville Chamber of Commerce, at a meeting held on March 12, 1943.

RESOLVED that this gathering of representatives of the manufacturing industries of Belleville, including all the larger employers of labour, recommends for the consideration of the Select Committee of the Ontario Legislature the following points:

- (1) That any and all workers shall have absolute freedom of choice to join or not to join any company union or other type of union.
- (2) That non-members shall not be forced to pay dues to any union.
- (3) That non-membership in a union or in any association of workers

shall not be regarded as a just cause for the dismissal of an employee or of refusal of engagement.

(4) That employers shall be granted the right to be represented at any meetings and to state their views whenever projects to form unions are being discussed.

(5) That a majority of employees in any company shall be required to declare or force a strike or to engage in collective bargaining.

(6) That when agreements are entered into between employers and employees, or unions representing employees, that the agreement shall be equally binding on both parties during the life of the said agreement.

(7) That all unions, whether company unions or not, shall be required to have printed for distribution to all its members, and to employers as well, annual audited financial statements, giving in detail the amount of dues collected and of the expenditure of same.

(8) That election of officers or bargaining representatives whether in company or other unions, shall be conducted in absolute secrecy and that any attempt at undue influence shall be punished by proper penalties and, further, that all election returns shall be made known to all the members.

(9) And, further that the practice known as picketing shall be declared illegal, believing, as we do, that the said picketing almost invariably results in disorder, improper influence and intimidation, as well as serious damage to business, particularly where placards are displayed which virtually amount to efforts at boycott.

(10) That strikes in essential war-industries and services be absolutely forbidden while the war is in progress and that all matters in dispute be referred to an acceptable board of arbitration, the decision of which shall be equally binding upon both parties to the dispute."

EXHIBIT NO. 172: Letter dated March 16, 1943, from A. O. Thormahlen, Vice-President and Managing-Director of Sawyer-Massey Limited, Hamilton, to the Chairman of the Committee on Collective Bargaining:

"SAWYER-MASSEY, LIMITED  
HAMILTON, CANADA

March 16, 1943.

*Register*  
The Chairman,  
Special Parliamentary Committee  
re Collective Bargaining,  
Queen's Park,  
Toronto, Ontario.

Dear Sir:

In the 'Toronto Star' of 5th March there appeared a report of evidence



given before your Committee on 4th March by Mr. C. S. Jackson, of the United Electrical Radio Machine Workers of America. According to the above newspaper report, Mr. Jackson made the following charges against this Company, which we presume were required by your Committee to be given under oath.

1. Mr. Jackson is reported, in the above mentioned Press report, to have charged that when the Union (C.I.O.) proposed Collective Bargaining negotiations after a vote at our plant (Dec. 4th) it was found difficult to arrange a meeting. We deny this charge. Discussions with the Union representatives took place on 8th December, 7th January, 14th January and 2nd February. A meeting scheduled for 27th January was postponed to 2nd February, when the field representative of the Union advised at the last minute that he had another engagement.

2. Mr. Jackson is reported in the above mentioned Press report to have charged that five or six people, alleged to be good friends of the Superintendent, approached employees to join the Sawyer-Massey Employees' Association. According to the Press report in question, Mr. Jackson then proceeded, by inference, to charge that this Association was a Company Union 'engineered by Management, Superintendent or Foreman, or by a small group of Management directed employees'. This is a deliberate attempt to discredit an Association which was formed by a group of free thinking employees who objected to being represented and/or controlled by the C.I.O. On 23rd December they filed with the Management the following petition:

'We, the undersigned, employees of Sawyer-Massey, Limited, believe that, as Canadians, we are fully competent to negotiate our own welfare and working conditions, and that there is no obligation or necessity of paying any financial tribute to foreign labour organizations, in order to enjoy that privilege.

Therefore we formally protest allowing the C.I.O. or its subsidiaries, to represent us in any negotiations, and declare our intention of having our own elected committee represent us in any welfare discussions.'

The Management had no prior knowledge whatever of this movement, and neither before nor since has the Management had anything whatsoever to do with this independent Association other than to accord them interviews similar to those accorded the C.I.O. Union representatives, for the purpose of discussing matters pertaining to the welfare of employees. The Management has asked for, and been given, a copy of the Employees' Association Constitution, which we find excludes Foremen and Superintendents from membership. We have no doubt that many employees (both C.I.O. employees and non-C.I.O. employees) are good friends of the Superintendent. This is a situation we are happy to see and anxious to promote in the interest of Employer-Employee relations. We deny, however, that Mr. Jackson's allegations have any foundation.

3. Mr. Jackson is reported to have charged that at our plant 'a signed statement may be had that an employee was approached by two members

of Employees' Association who were Company Inspectors, and told that if he would join he would get a raise'.

It will be noted that Mr. Jackson carefully refrained from stating that a *sworn* statement might be had. Inspectors have no authority whatever to grant raises and a thorough check-up has failed to bring to light any evidence whatsoever that would indicate even a remote element of truth in the above charge.

4. Mr. Jackson is reported to have charged that in our plant men are joining the Association 'to get army deferments—the boss gets it for them'. If Mr. Jackson is correctly reported in this instance he is guilty of placing before you a deliberate falsehood. I personally have first hand knowledge of any applications for deferments and there is not the slightest foundation for anyone ever having made such a false statement.

5. Mr. Jackson is further reported to have charged before your Committee that 'Company Union meetings are usually held on Company time, workers being called from their machines. In some cases workers who left their work to attend Company Union meetings outside the plant were reportedly paid for their time. In other cases, foremen and workers are reported to have neglected their work to spend time exhorting employees to join the Company Union.'

In the first place we can only assume that Mr. Jackson is mistakenly referring to the Sawyer-Massey Employees' Association when speaking of Company Union meetings. We defy Mr. Jackson to substantiate his allegations that employees attending any Sawyer-Massey Employees' Association meetings did so on company time. On the other hand the Company has been broadminded enough to pay C.I.O. Union employees for time spent in negotiations and also for a special meeting held outside the plant during working hours.

As far as the reference to foremen and workers soliciting memberships to the Association on Company time is concerned, no foreman has ever solicited memberships to the Sawyer-Massey Employees' Association on Company time or any other time, with the Management's knowledge or consent, and while individual employees may have done so, we can truthfully state that Mr. Jackson's allegation in this regard is certainly a case of 'the pot calling the kettle black'.

6. Mr. Jackson is also reported to have stated before your Committee, in referring to this Company, that 'the services of a Company lawyer were supplied to the Company Union'. In the first place the Sawyer-Massey Employees' Association is not a Company Union—it is an entirely independent association of non-C.I.O. employees. In the second place this Company has not supplied the Sawyer-Massey Employees Association with the services of a lawyer or any other services. Mr. Jackson's allegation has absolutely no foundation.

I respectfully request that this letter be read into the records of your Special Committee and that it be given the same publicity as that accorded

Mr. Jackson's statements. If necessary I am prepared to appear before your Special Committee and reiterate the contents of this letter under oath.

A copy is being forwarded to each member of the Provincial Legislature.

Yours very truly,

Sawyer-Massey, Limited,  
(Sgd.) A. O. Thormahlen,  
Vice-President and Managing Director."

EXHIBIT No. 173: Sample of petition by employees of the Aluminum Company of Canada and the Locomotive Company of Canada, Kingston, Ontario, to the Ontario Legislature.

"Ontario Legislature in Session  
Toronto, Ontario.

Honourable Sirs:

We the undersigned employees of the Aluminum Company of Canada, and the Locomotive Company of Canada, Kingston, Ontario, call upon the Ontario Government to implement Collective Bargaining at this session of the House.

We feel that the need for this basic democratic need of the workers has never been so great as at this momentous historical time. As the men of McNaughton stand poised to follow up the Casablanca call to the offensive we on the production front pledge our undivided attention to the task of full-out and uninterrupted production.

We note with alarm the attempts of anti-union, anti-democratic elements to scuttle the Collective Bargaining Bill, and urge that strong measures be taken by your Committee to strengthen the democratic aspirations of the working people of Ontario by recommending the passage of laws making collective bargaining compulsory."

EXHIBIT No. 174: Sample of petition by employees of York Arsenals Limited to the Provincial Government:

"We the undersigned employees of York Arsenals Limited call upon the Provincial Government: To immediately bring before the House and pass the Labour Bill as outlined to us recently by Labour Minister, Hon. Peter Heenan, guaranteeing us the right to collective bargaining.

To recognize that the recent strikes and disruptions of work are the direct result of the lack of necessary labour legislation. Therefore in the interest of maximum production, to defeat fascism rapidly and with a minimum loss of life, it is necessary that the Ontario Government lose no time in passing this legislation in the interest of the majority of the people.

To recognize that company 'unions' such as operate in our plant are denials of democratic principles for which we are fighting, since bargaining with a company 'union' is a farce and a sham."



MR. FURLONG: I now call upon Mr. Jacob Bennett.

MR. BENNETT: The Rev. Garnet W. Lynd, will make our presentation, sir.

MR. FURLONG: Very well.

REV. GARNET W. LYND appeared:

WITNESS: Mr. Chairman and honourable members of this special committee, may I be permitted to congratulate you and the government on your democratic policy of hearing from all classes of society on this very important issue of collective bargaining.

Our delegation represents a branch of the Christian church of this province. Of the many and varied delegations which have appeared before you, we venture to suggest that none are more intensely interested in your problem than the church which we have the honour of representing. Our Master, the Christ, was deeply concerned with human values when He was here upon earth. We, as His representatives, feel that the relationship of employer and employee in industry is of such importance to the well-being of society that we must be concerned.

To the church that we represent, we would like to assure you that the matter of collective bargaining is no new issue, for six years ago the General Council of the United Church of Canada committed herself to the principle of collective bargaining. This has been reaffirmed at each of the two succeeding meetings of the General Council. The Toronto Conference of the United Church, a Conference which covers a large part of this province, passed a resolution in favour of collective bargaining. In like manner, at a joint meeting of the three Toronto presbyteries, a resolution was passed unanimously on the matter. At a meeting of Toronto West Presbytery on Thursday evening last, and of Toronto East Presbytery on Tuesday morning of this week, the matter of collective bargaining was again given approval by the said presbyteries and this delegation appointed to appear before you.

We hereby place in your hands copies of the resolutions referred to, and we would ask, Mr. Chairman, that three members of the delegation be allowed to express in a few words the mind of our church on this important matter: Rev. Dr. John Coburn, a member of Toronto West Presbytery and a past President of Toronto Conference; Mr. Jacob Bennett, also a member of Toronto West Presbytery; and Rev. Norman McMurray, minister of Danforth United Church and a member of Toronto East Presbytery.

Before calling upon the other members of the delegation perhaps I may be permitted to give you the picture, gentlemen: Our work in the United Church of Canada in Toronto and its environs, is divided into three areas: Centre, West and East Presbyteries. They cover the whole of the City of Toronto, the County of York, part of the County of Peel reaching from Clarkson and Streetsville on the West to Dunbarton and Uxbridge on the east, and as far north as Lake Simcoe. So we cover quite an area.

Witness withdrew.

• REV. DR. JOHN COBURN appeared:

WITNESS: Mr. Chairman and gentlemen of the Committee, I would like to say in opening that the section of the Christian church represented by this body is interested in this question from a humanitarian standpoint. We do not suggest that the other delegations you have heard have not been interested from that standpoint, too; but too long, we think, property rights and financial interests and material considerations have dominated our business and industrial life. Having regard to the condition the world is now in, we think it is plain that the interests of humanity must be supreme; that after all, things were made for man's use; and that the worker in industry is not merely to be a hand employed at the discretion of somebody who is able to make money out of his service; that the worker should not be liable to be hired or fired by the whim or personal interest of another individual, but that in the building up of our whole national and social life the humblest toiler ought to have a recognized place in society and ought to be protected. And inasmuch as the single employee, up against the man who controls financial resources and employs a large number of workers, is not able to take care of himself alone, there is only one way by which that can be effected, and that is by recognition of the right of labour to organize and to bargain collectively.

We are fighting a great battle for democracy. We have democracy politically; we have not democracy in its fullest sense industrially and commercially. Gentlemen, if democracy, whose foundation principle is the same as that of Christianity, namely, the recognition of the supreme value of human personality, is going to succeed it must be carried into all relations of life. Therefore, not only in politics and in the election of our representatives to parliament and to the legislature, but also in the realm of industry, which should exist not for the profit of the few but for the good of all, the democratic principle should prevail.

We assert, gentlemen, that labour should have the right to organize and select its own representatives to bargain collectively with those who represent the management in industry.

Witness withdrew.

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JACOB BENNETT appeared

WITNESS: Mr. Chairman and members of the Committee, I hope you will forgive me for reading what I have to say, because I am not as good at memorizing as I used to be!

THE CHAIRMAN: You are like some members of parliament!

MR. BENNETT: "I am but one of the large number of churchmen who believe that it is illogical and hypocritical to pray for the establishment of the Kingdom of God on the earth unless we really want it and are prepared to do all in our power to promote it.

There has been for centuries a constant struggle on the part of the

masses to emerge from serfdom into responsible democratic citizenship. Some success has been achieved; but too frequently and for too long have both organized Christianity and Governments been neglecting the masses of workers who after all are of primary necessity in industry. 'Pious platitudes and unfulfilled promises butter no parsnips.'

Workers who perform even the so-called menial tasks should be recognized as essential cogs in the machinery of industry and receive adequate remuneration.

I agree with the statement made here yesterday that many employers are working in harmony with organized labour with beneficial results to both. It is but fair to them that a Collective Bargaining Bill be enacted making it mandatory that all employers extend like recognition.

I know from personal experience of nearly sixty years as employee and employer that when workers are allowed freedom of choice in the selection of their bargaining agents it promoted loyalty and co-operation.

I hope the Legislature will enact a Collective Bargaining Bill that will settle for a long time the unrest that is so general to-day in the ranks of the workers. I venture to state that the benefits accruing from even the most favourable labour laws the Legislature may enact will secure for the workers no more than what they are justly entitled to."

In conclusion, Mr. Chairman and members of the Committee, may I assure you that if your require any moral support when this Bill is going through the Legislature you can call upon the gentlemen constituting this delegation.

Witness withdrew.

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REV. NORMAN McMURRAY appeared:

WITNESS: Mr. Chairman and gentlemen of the Committee, it is our judgment, and the judgment we represent, that the enactment of collective bargaining legislation means nothing less than the application of the principle of democracy to industry. It is our contention that while this principle has been applied in the political life of the average industrial worker, it has not been applied in his industrial life. In his political life he has the dignity of an elector, with all the responsibility that goes with that position, but in his industrial life he is usually looked upon as a hand or a number on a pay-sheet, or a mere worker. Certainly he is not regarded as a person.

I would like to stress that word "person" and, if I may, quote one sentence from a recent book by the Archbishop of Canterbury:

"The supreme mark of a person is that he orders his life by his own deliberate choice, and the workers usually have no voice in the control of industry whose requirements determine so large a part of their lives."

It is our feeling that this is neither democracy nor Christianity. It is our



considered judgment that every worker should have a voice and a share in the control of industry. We feel that this is fundamentally right, Christian and democratic, but that it cannot be obtained by the action of individual workers going hat in hand to their employer, nor by the formation of the so-called company union; but only by the organization of the workers in unions of their own choice.

I would like to close with a quotation from a passage from a Supreme Court decision of Chief Justice Hughes, which is already incorporated in the brief before you. I desire to quote two sentences, one at the beginning and one at the end:

"The right of employees to self-organization and to select representatives of their own choosing for collective bargaining is a fundamental right."

The last sentence is:

"Discrimination and coercion to prevent the free exercise of the right of employees to self-organization and representation is a proper subject for condemnation by competent legislative authority."

That is the point I think I was asked to present to you by the delegation, and I appreciate very much the opportunity you have given me to do so.

Witness withdrew.

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REV. MR. LYND: Thank you very much, Mr. Chairman. I assure you that we shall pray for the Divine blessing upon your deliberations.

THE CHAIRMAN: I think we shall need it!

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MEMORANDUM RE COLLECTIVE BARGAINING PRESENTED BY A  
DELEGATION FROM THE EAST AND WEST TORONTO PRESBYTERIES  
OF THE UNITED CHURCH OF CANADA:

"To the Chairman and Members of the Committee:

This Delegation respectfully brings to your attention the following actions of the United Church relative to collective bargaining:

1. A resolution adopted by the Tenth General Council of The United Church of Canada, biennial meeting at Belleville, September 1942:

'Whereas the General Council has upheld collective bargaining; whereas the Government of Canada by order-in-council has affirmed that labour should be free to organize in trade unions of their own choice; whereas organized labour has repeatedly affirmed its full support of the nation's war effort; and whereas we are now in the midst of a world war; and

Whereas the principle of collective bargaining has been well defined in the American Supreme Court decision of Chief Justice Hughes, which reads as follows;

The right of employees to self-organization and to select representatives of their own choosing for collective bargaining is a fundamental right. Long ago we stated the reason for labour organizations. We said that they were organized out of the necessities of the situation; that a single employee was helpless in dealing with an employer; that he was dependent ordinarily on his daily wage for the maintenance of himself and family; that union was essential to give labourers opportunity to deal on an equality with their employer. Discrimination and coercion to prevent the free exercise of the right of employees to self-organization and representation is a proper subject for condemnation by competent legislative authority."

(Page 21, Senate Document No. 51, 1937, National Labour Relations Board v. Jones and Laughlin Steel Corporation)

"Be it resolved that:

(1) This Council reaffirms its emphatic endorsement of the principle of collective bargaining, independently of the issue of the closed versus the open shop.

(2) This Council deplores industrial strife from whatever cause in war-time and therefore welcomes the official pronouncements of organized labour that it seeks to the utmost degree to keep production of the tools of war at a maximum level. The Council would urge upon industrial leaders and labour men alike a full sense of their joint responsibility in this tragic hour and the utter need that Industry and Labour both now and in the post-war period do all in their power for the Common Good.

(3) This Council urge the Government of Canada to secure enactment of a Collective Bargaining Act.

(4) This Council urge the Government of Canada to give organized labour full, direct and representative membership on war-time control boards, directly affecting Labour and its relations.

(5) This Council urge the Government of Canada to encourage the formation of joint management-labour war production committees in all war industries.

2. Action of The Toronto Conference: An excerpt from the Minutes of Toronto Conference of The United Church of Canada in annual session at Toronto, June 1942:

'Conference also is of opinion that in order to conserve labour's fundamental right to collective bargaining, the Dominion Parliament should pass legislation making such mandatory.'

3. Action of the three Toronto Presbyteries: An excerpt from Resolution adopted at a meeting of the three Toronto Presbyteries, March 24, 1942.

Whereas: The United Church of Canada through its General Council, has officially endorsed this principle, and

Whereas: The Government of Canada in P. C.2685 set forth its labour policy in the following terms:

'Employees should be free to organize in trade unions free from any control by employers or their agents' and 'That employees through the officers of their trade unions or through other representatives chosen by them should be free to negotiate with their employers or representatives of employers' associations, concerning rates of pay, hours of labour, and other working conditions with a view to the conclusion of a collective agreement'—which statement was described by the Prime Minister in the House of Commons on June 18th, 1940, as

'a declaration of the principles that should govern employers and employed, regulations that should be put into effect,' and

Whereas: This principle is in practically universal operation in Great Britain, and

Whereas: In Canada, many employers of labour have accepted the principle and are loyally carrying it out in their respective plants; while others refuse to do so;

It is hereby resolved:

That it is the opinion of this group of Christian ministers and laymen, that in the interests of Democracy, and economic justice, and in fairness alike to socially minded employers and to Labour, the time has come when by legislative enactment the Parliament of Canada should make this principle mandatory and effective.

4. Action of other Presbyteries: Although no excerpts of minutes are quoted, it is to be noted that other Presbyteries of Toronto Conference, such as Temiskaming and Simcoe, have adopted Resolutions similar to that adopted by the Toronto Conference as a whole."

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MR. FURLONG: I now call upon Mr. Douglas Mutch.

SUBMISSION BY MR. DOUGLAS A. MUTCH, CONSULTING MINING ENGINEER, HAILEYBURY, ONTARIO, RE COLLECTIVE BARGAINING.

DOUGLAS A. MUTCH, sworn. Examined by MR. FURLONG:

Q. Mr. Mutch, where are you from?



A. Haileybury.

Q. What is your occupation?

A. I am a Consulting Mining Engineer.

Q. Proceed, please.

A. Mr. Chairman and members of the Committee, I have not had time to prepare a sufficient number of copies to hand around to all, but I have a couple of copies here that will serve. With your permission I shall read what I desire to present to you. Last week Mr. E. J. Young made a presentation here and claimed representation for the consuming public, and on Monday my friend the Honourable Arthur Roebuck claimed to be representing the general public of Canada. To-day I think I represent the long-suffering public of Northern Ontario!

“Mr. Chairman and members of the Committee:

First I wish to thank you for granting me the privilege of appearing before your Committee. I have listened as a private citizen to much evidence presented at this hearing and thought it a duty to correct, if possible, a few impressions which might have been left in respect to conditions in Northern Ontario mining areas of which I have considerable hard won knowledge. My remarks are going to be brief:

I would like you to know that the opinions offered are not based upon cursory examination of conditions in Northern Ontario, but rather upon experience gained during a period of over thirty-five years intimate association with labour and the mining industry. It is just thirty-six years ago this month that I first went to Cobalt and worked as a labourer underground. Since then I have witnessed the progress of the mining industry and the resulting growth of Northern Ontario in all its phases.

I have seen the turmoil of the abortive strikes at Cobalt in 1907, Porcupine in 1912-13, Kirkland Lake in 1918-19, and the latest strike in that area in 1940-41, and am familiar with the resultant grief of labour and the affected communities.

This morning I would like to deal briefly with the evidence presented to this Committee last week by one, J. Mikituk, formerly of Kirkland Lake and at last reports of Welland, Ontario, professedly a staunch supporter of the C.I.O.

Mr. Mikituk stated that 58 per cent of the employees who voted to determine whether or not there should be a strike in Kirkland Lake, were in favour of such action. He inferred that this 58 per cent were members of the C.I.O. As a matter of fact, hundreds of irresponsibles voted to strike who were members of no union. These voters adopted the attitude of nothing-to-lose. Their jobs were secure, they thought, because as essential war industries the mines wouldn't be allowed to close. To say the least, such irresponsibles were grievously chagrined when the strike was lost and they had no jobs.

Let us accept the fact that of the approximate 4,000 employees in the Kirkland Lake area at the time the strike vote was taken 58 per cent were in favour of striking. Previous to the strike vote some 1500 of the best employees in the area had enlisted for active service in the Canadian Armed Forces. Please note that these men were not drafted. To a considerable degree, this large group of enlisted men was composed of first-class miners who were encouraged to enlist by the mine operators and were promised that their jobs would be waiting when, and if, they returned. The majority of these men were of Canadian birth. Many were married, had established families and homes, and were an important cog in community life. These men are vitally interested in any change in employer-employee relations, but had no representation when the strike vote was taken. Had the C.I.O. been successful, it is difficult to say what conditions these enlisted men would have been faced with on their return. Their jobs were grabbed by men without any stake in the community or the country, *i.e.* by foreign-born workers, and indeed by alien enemies. It was this type of labour aided, abetted and led by imported agitators of the C.I.O. which precipitated the strike and must bear the responsibility of its after-effects.

I contend, sir, that had the Canadian workers placed self-interest first, and remained on their jobs rather than voluntarily enlisting for active service in defence of our country and theirs, their wiser counsel would have prevailed, that there would have been no strike, and that the C.I.O. Union would have been discredited throughout the North long before it had the opportunity to cause the suffering, hardship and bitter feelings which have resulted from its later activity.

From the miners who enlisted there was formed the Number One Tunnelling Company of the Royal Canadian Engineers, now under command of Lt.-Col. Colin Campbell, former Minister of Public Works in the Ontario Government, and presently on leave of absence from that Government.

To a large extent, the Number One Tunnelling Company was financed in respect to special equipment by the mine operators of Ontario. All such special equipment recommended by General McNaughton was purchased by these operators with expenditures to date around \$80,000.

Now, sir, I needn't tell you of the excellent work which has been done by these miners at Gibraltar, in the tin mines of Cornwall, and elsewhere. I would, however, like to read to you a letter from a member of this Tunnelling Company written from Gibraltar under date of November 25, 1941, and published in a Toronto paper under date of December 25, 1941.

I quote:

'KIRKLAND MEN OVERSEAS SAY "BEING KNIFED IN THE BACK"

Soldier-Miners at Gibraltar are "Damned Mad" about the Strikers—Call them Moronic, Yellow So and Sos.

What Kirkland Lake men in uniform—what all Canadian men in uniform—think of the C.I.O. strikers in Kirkland Lake is trenchantly

told in the following letter written from Gibraltar, November 25th by a member of one of the special Canadian tunnelling companies. It should be enough to make any Canadian striker hang his head in shame.

What the boys overseas will think when they hear that a very large percentage of the men who remain on strike are aliens—hundreds of them enemy aliens—(while the vast majority of those who stayed at work and have gone back to work are Canadians) we can only guess. The letter follows:

“We had news via the radio here about the strike in Kirkland Lake.

As you know, most of the men in this company come from Kirkland Lake, and what is more about 70 per cent of them are married men who were steadily employed at the various mines before they joined the army. Since we have arrived here over nine months ago, we have been steadily working on mining and tunnelling operations 24 hours a day and all the men have been working just as hard, in fact some of them a great deal harder than they did in civilian life, for \$1.30 a day plus 25 cents or 50 cents depending on their category. Besides this eight-hour shift a day they have their military duties to fulfill at all times, as well as the fact that they have had no leave and no idea as to when they are likely to have any. Yet despite this the men are happy and do their work uncomplainingly.

Their feeling as regards the strike and labour trouble in Kirkland Lake is that it is exactly the same as being knifed in the back. They are all damned mad about it, in fact in the men's own words, they are a bunch of moronic gutless yellow —— and deserved a good mauling.

I just thought you might be interested to know what the actual men of the company think for you know that I agree fully with the stand the mines are taking. I only hope that the government has the guts to back us up. Naturally the news takes a long time to reach us here so that by the time this reaches you the whole affair may be settled. I hope so, at any rate.”

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“At these hearings, sir, I have listened to many high-sounding protestations of patriotism by organized labour and its representatives. I have heard of the concern of these people over conditions of employment with which our enlisted men may be faced on their return to civil life. I suggest that such patriotism fades into comparative insignificance alongside that of those workers who have given up their well-paid jobs to serve their country, fully prepared to make the supreme sacrifice. Compare their present position with that of the worker who continues in a well-paid job in agreeable surroundings and above all with security depending only upon himself.

I have read to you an expression of opinion from men serving overseas of the actions of organized labour. It would, I think, be regrettable if the



men serving overseas return to conditions in which they would face compulsory acceptance of policies evolved during their absence by those who, by their actions, have clearly demonstrated that their underlying object is personal aggrandizement and nothing else.

Last week, before this Committee, Mr. Mikituk was asked by a member of the Committee whether the C.I.O. assisted striking members financially. Mr. Mikituk's reply, according to the record was, I quote: 'We had the finest assistance from the C.I.O. namely \$9.00 a week,'—I might interject the remark that some of these men were earning \$9.00 per day when they went on strike, gentlemen—'milk and fuel, and when it had to be, the rent was paid.' Now, sir, this assistance of which Mr. Mikituk spoke, was largely in the form of vouchers, cashable at stores in Kirkland Lake which co-operated with the Union before and during the strike.

I might add that these stores were placarded with cards suggesting strike and support of the union.

On February 18, 1943, over a year after the Kirkland Lake strike, a statement issued by Pat Conroy, Secretary-Treasurer of the C.I.O. showed that as of February 18, 1943, the Union had accounts outstanding in Kirkland Lake totalling \$21,897.30, made up of purchases as follows:

Groceries.....	\$18,098.60
Milk.....	3,222.22
Board.....	325.75
Fuel.....	250.73

Now, Mr. Chairman, it is at least probable that some of the finest assistance which Mr. Mikituk claims as coming from the C.I.O. actually came from the so-called co-operative merchants of Kirkland Lake who are still waiting to be paid. Many of these merchants operate on a shoe-string and cannot afford to extend much in the way of credit.

May I suggest that it isn't difficult to make a good fellow of yourself on someone else's money. And that isn't all, many workers lost their homes, businesses were closed and the work of ten or more years of becoming established, destroyed. I would like to read a letter from Pat Conroy, Secretary-Treasurer of C.I.O. under date of February 18, 1943.

This letter is published under the heading:

'THE CANADIAN CONGRESS OF LABOUR  
230 Laurier Ave. West  
Ottawa, Ontario

February 18, 1943.

Circular Letter No. 28.

To all Affiliated and Chartered Unions,  
Labour Councils, and Representatives of  
the Canadian Congress of Labour.

Greetings:

It is over a year since the Kirkland Lake strike came to an end. At its

finish, nearly \$30,000 was owed to small merchants in the strike area. The largest portion of this money was given to the strikers in the form of relief by co-operative stores or by small businesses which gave generously and to the end that the strike would be won.

In the last year a considerable amount of this debt has been paid, but there still remains some \$20,000 to be raised, as is shown by the attached statement. The International Union of Mine, Mill and Smelter Workers is pressed for money, but, according to its International Representative in Canada, Brother Robert Carlin, it is willing to make a contribution of several thousand dollars towards liquidating the amount owing at Kirkland Lake.

The congress is informed that, apart from the contribution of the International Union, about \$15,000 will be required to wipe out existing obligations at Kirkland Lake. This could be done if each worker in the congress contributed 15 cents or slightly less. We are asking each congress union to make a contribution on that basis as quickly as possible. We are also requesting congress representatives to draw to the attention of local unions in their respective territories that the need for such contributions is urgent. Will you please do your utmost and have a reasonable contribution made towards repaying these small businesses who gave generously in support of the strikers at Kirkland Lake.

Send your contributions to Brother William Simpson, Box No. 1075, Kirkland Lake, Ontario, or the Secretary-Treasurer, Canadian Congress of Labour, 230 Laurier Avenue, Ottawa, Ontario. Mark your contributions "Kirkland Lake Strike Fund".

Yours fraternally,

(Sgd.) Pat Conroy,  
Secretary-Treasurer'."

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THE CHAIRMAN: Q. What has that to do with collective bargaining?

A. It has to do with the bargaining agent. The bargaining agent in this case showed it had no financial responsibility, but lived off the merchants of Kirkland Lake and, not being an incorporated organization, the merchants are holding the bag to the extent of \$20,000 to-day, and some of them have been forced out of business.

Q. It looks as though there was an effort to meet their financial obligations?

A. The strikers in Kirkland Lake were told that the C.I.O. would support them financially to the fullest extent during the strike and as long as they were on strike. This was the support they received!

"And, Mr. Chairman, this is the same outfit that is now trying to promote the C.I.O. in the Sudbury nickel-copper mining area, and hopes to be the sole bargaining agent for employees with employers.

You have heard, Mr. Chairman, of the intimidation of non-union workers and their families in Kirkland Lake during the strike. This is a matter of record, details of which should be available from the Attorney-General's Department. You know of the action of the Ontario Government in sending a group of Provincial Police to maintain order and protect property when the job became too big for the Teck Township Council. I assure you that the danger of serious strife and damage was very real.

However, you probably haven't been made aware of the intimidation which took place underground in the mines. It is most difficult, if not impossible, to obtain evidence of such intimidation which would be accepted in court. It is probably the most insidious and dangerous of all intimidation, and you can accept the statement that it was rife.

Now, sir, you are aware that the great majority of employers are in favour of collective bargaining with their own employees. The small percentage of holdouts can be swung into line with a little urging and by example.

I can tell you that during the past three years, more progress has been made toward the desired employer-employee relations in the Northern Ontario mining areas than during any preceding twenty-five or thirty years. This progress has been accelerated by the closer co-operation of the interested parties in their joint contribution to the war effort. I suggest that the continuance of this progress be encouraged."

Employers to-day, Mr. Chairman, as a class are not dumb. They are fully aware of the change that has taken place in our social life and which must take place in employer-employee relationships, and to meet this change they have encouraged works councils and employees' committees (laughter from the audience) and similar organizations which are independent associations of labour. Now, there seems to be a widespread feeling—it has predominated the hearings before you—that all such associations of labour are company unions. I think that that view, if it is held, should be revised. Simply because a company, for example, loans an association of employees a recreational hall in which to hold their meetings, is no ground for considering it to be dominating the union.

Q. I do not think anybody has contended that yet.

A. It was contended here, sir.

Q. I did not hear it. My recollection of all the evidence was that there were border-line cases, and I think one person suggested that probably that is getting close to the line,—thinking now of Mr. Mosher, Mr. Sullivan, and some others—but it was stated that where the company did not interfere with the free election and took no part in it by intimidating anyone or trying to dominate the secret election of the representatives of the employees, it was not classified as a company union.

A. There was evidence raising objection to a company providing a recreation hall. I was here on the day that evidence was given. That was considered to indicate a dominated company union.



Q. I think there were one or two extremists who went that far.

A. The definition of "company union" should be made very clear, sir. Domination is not desired, but the outlawing of associations or groups of employees under the general heading of "company union" is, in my opinion, a very, very dangerous practice. As you probably know, many of the employers are anxious and willing to co-operate with labour through the medium of collective bargaining—(laughter from the audience).

Q. We have it in Windsor?

A. You have the evidence here, sir, that a large number of employers are willing to deal collectively with their employees without any compulsion.

Q. There was no compulsion at the Ford plant. They had an open, political pow-wow there, and the management went and advanced all their arguments as to why the so-called company union would be better for the men, and the C.I.O. representatives gave their reasons why the employees would be better off if they had the C.I.O. as their collective bargaining agent. Then they had a free election, with 60-40 in favour of the C.I.O., and so both sides sat down and drew an agreement.

A. If the C.I.O. represented a majority of the employees in the industry, certainly that would be correct; but to classify all unions, sir, which are independent of international trade organizations as company unions is wrong.

Q. No one suggested that?

A. I think it has been suggested here.

MR. HAGEY: Q. It has been suggested by some portion of the Press editorially, which has made it difficult for this Committee, but it has not been suggested in evidence before the Committee.

THE CHAIRMAN: Q. They have been fair enough to say that if the employees in a company like the Bell Telephone Company want to go ahead and elect representatives secretly without any interference or domination by the management in any shape or form, that is not a company union. It is only where there is intimidation or interference that it is classified as a company union. Where the men are free to pick their own representatives it has not been suggested, that I have heard, that the company union should be outlawed?

A. I just want to leave that thought with you.

Then in this morning's issue of "The Globe and Mail" there is a brief report of evidence submitted to you last night by Mr. George Gare, spokesman for the St. Catharines citizens' delegation, and I would like to read a few lines to you:

" . . . the absence of a Labour Bill protecting the workers' right to organize and thus protecting the union of the workers' choice from company hostilities has confined a large portion of union interest and energies to the daily struggle of defense and survival."

Then later Mr. Gare said:

"A proper Bill in our province along the lines suggested by the Trades and Labour Congress and the Canadian Congress of Labour would make it possible for the union in McKinnon's and every other union in our city and vicinity to devote its time to improving war morale and war production, instead of concentrating on a fight for the organization's life."

Now, I contend that the underlying objective of all this evidence presented by organized labour here is primarily to protect the life of those organizations. I leave that thought with you.

"Compulsory collective bargaining, outlawing of independent Unions or associations of employees, will only revive former strife and suspicion."— I am speaking of the North country now. "I suggest that such action would result in a set-back to the aims of legitimate labour that would require many years to overcome. When I refer to legitimate labour, I mean all labour and not just that represented by the fifteen or twenty per cent which may now be enrolled as members of International Unions. Labour as a whole to-day, stands to lose far more through passage of any Bill which makes collective bargaining compulsory and outlaws independent unions or associations of employees than it can ever hope to gain through the enactment of such legislation."

Witness withdrew.

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MR. FURLONG: I now call Mr. Warren K. Cook.

WARREN K. COOK, sworn. Examined by MR. FURLONG:

Q. Mr. Cook, where do you live?

A. Toronto.

Q. Who do you represent?

A. The Associated Clothing Manufacturers.

Q. Is that a voluntary organization?

A. It is an incorporated association.

Q. Do you hold office in that association?

A. Yes.

Q. Do you wish to make a statement?

A. Yes. "I may appear to be somewhat weak, inasmuch as I have no brief or brief-case, but representing an industry that has been dealing with collective

bargaining for over twenty years, it was felt that the Committee might be interested in the views of an industry that has had that experience.

In the judgment of our association we are entirely in favour of collective bargaining. For a period of twenty years in this industry we have not had a strike, and while we have had our family troubles from time to time—

—At this point Mr. William Wallace, a Toronto insurance executive attending the hearings, suffered a heart seizure and passed away.

MR. FURLONG: Mr. Cook, please proceed.

WITNESS: Mr. Chairman, you may be interested to know that the Associated Clothing Manufacturers—

THE CHAIRMAN: Pardon me. How many manufacturers are there in the association?

A. Twenty manufacturers representing approximately 90 per cent of the industry in Ontario.

MR. FURLONG: Q. And about how many employees?

A. Approximately 5,000 employees.

Q. Proceed, please.

A. Probably you will be interested in the methods under which we operate. We have a yearly agreement with the union, and the agreement is renewed each year.

MR. HAGEY: Q. Is that in each individual plant?

A. No; the whole industry. We consider it is a very great benefit to us, because instead of dealing with each manufacturer it becomes an industry problem, and the whole industry is dealt with at one time. The agreement arrived at applies to the entire industry.

THE CHAIRMAN: Q. Are those manufacturers spread fairly well over certain parts of the province?

A. They are pretty well concentrated in Hamilton and Toronto; the industry is of a type that it is not spread out very much.

Under the agreement, if disputes cannot be settled by negotiation an arbitration board is set up composed of representatives of the union and of the manufacturers, with an impartial chairman. In very few cases, practically none to speak of, have we been unable to settle our family disputes fairly; but if it does go to arbitration there is an impartial chairman who makes the decision, and, win or lose, that decision is final and we go on about our business without any interference.



We have had no strikes or labour troubles of any kind, and no stoppages in our industry. There is no such thing; it is prohibited by the agreement. We believe that an agreement of that kind has improved the status of the industry very considerably. The clothing industry as a whole has evolved from sweat shops. Twenty-five years ago clothing was manufactured in basements and attics, under all sorts of conditions, but since we have entered into a collective bargaining arrangement and are working with the union those conditions have disappeared.

Q. What is the name of the union?

A. The Amalgamated Clothing Workers of America.

Q. Is that union affiliated with the A.F. of L.?

A. No; they are not. I could not say if they are affiliated with the C.I.O., but it is a C.I.O. type of union. Before we had that type of union to deal with we had to deal individually with every little branch of our industry such as the pressers one day and the cutters another day. Now it is an industry agreement, which is much simpler and permits us to look after our business every day instead of worrying about every individual labour problem.

The sweat shops have disappeared entirely from the clothing industry, and we believe in co-operation between the manufacturers and the union because we have evolved the industry from one of sweat shops to one of considerable dignity and importance. Unquestionably the standard of living of the employees has been raised very materially. I grant you that that has not been achieved without a great deal of fighting on the part of the union, because after all, we have some types of manufacturers still who have a hangover from the sweat-shop days and do not like to have certain things inaugurated; but on the whole I think it has improved the industry and made a very definite contribution to the people in the industry.

Q. And to the public at large?

A. Yes.

MR. FURLONG: Q. What has been the effect on the consumer? Has it had any detrimental effect on the consumer? It is stated here that it might have.

A. The consumer, in so far as the clothing industry in Canada is concerned, is very definitely getting better clothes at a lower price than can be got in any other country in the world, and that is covering a lot of territory.

Q. Where you have co-operation and goodwill on both sides you can raise wages and lower the cost of the article through increased efficiency?

A. Yes. Therefore we have brought in many changes that have greatly improved the product, as well as the lot of the employee.

MR. FURLONG: Q. Would you prefer to go back to the open shop again?

A. No. As an industry, if we were given the choice between having an open shop and dealing with the union, we would prefer to deal with the union. Of course, I think it depends on whether you have an enlightened and reasonable leadership in the union, and the same applies to manufacturers.

THE CHAIRMAN: Q. That is the whole problem?

A. Yes. We would certainly unanimously say in our industry that we would much prefer to have collective bargaining under the plan under which we are working. That does not mean that we do not have certain troubles and arguments, but they are not serious.

MR. FURLONG: Q. No two human beings can live on this earth without argument, and it makes life interesting?

A. Yes.

MR. HABEL: Q. Have you operated under the provisions of The Industrial Standards Act?

A. All our business is carried on under The Industrial Standards Act of Ontario.

MR. FURLONG: Q. Has the union tried to interfere with your business?

A. In talking to one or two manufacturers who are not operating under union control I learned that the greatest bugbear they have seems to be that they are going to run their own shops and not have the union run their shops. I think that is a very mistaken attitude, because in so far as we are concerned we still manage our own businesses. It is quite true that in many cases the union do not permit us to do things we would like to do; but generally speaking probably they are things we should not do. We have a shop chairman in each shop who represents the employees, and if there are minor matters to be taken up, I think he, perhaps, disciplines the employees just as often as he does the foremen or management for irregularities. Certain things are not permitted, and over a long range view I think in 50 per cent to 75 per cent of the cases the union is right in their contention. It is just an evolution of the treatment of labour. People in our industry have been accustomed to doing many things, and it is difficult for them to realize that they are not good socially or for the industry itself; but they have much to learn. We have learned much as employers. I am not giving the union a clean bill of health, or anything of that sort, and I am not representing the union; but I think they have been responsible for levelling up and improving the whole status of the industry, and as an industry we would very much dislike to go back to the old method of individual negotiations.

THE CHAIRMAN: Q. I suppose you could say that your experience has taught you that in the end, even if unions have made mistakes, they have enough brains to realize that what is good for the manufacturers is good for them, too?

A. Yes. If you have enlightened union leadership, which perhaps we have

been fortunate in having in our particular branch of the industry, they are very helpful all the way through.

THE CHAIRMAN: Thank you very much for your splendid presentation, Mr. Cook. (Applause.)

Witness withdrew.

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MR. FURLONG: I now call upon Controller Sam. Lawrence of Hamilton.

CONTROLLER SAMUEL LAWRENCE, appeared.

WITNESS: Mr. Chairman and members of the Committee, I am here by request, to which I very gladly responded, to introduce to your Committee the officers, including the secretary who will read a brief, representing the Hamilton Labour Council, which is an affiliated central body composed of workers in some of the largest and most important war industries in the City of Hamilton. There is, of course, present a very large and influential supporting group, some of whom have to go to work on the three o'clock shift, so I shall not take up too much of your time now; but if I may be permitted to say a few words after the brief has been read I will appreciate the opportunity.

It gives me very great pleasure indeed to introduce to you the secretary of the Hamilton Labour Council, Mr. Peter Dunlop, who will read the brief to you.

SUBMISSION PRESENTED BY MR. PETER DUNLOP ON BEHALF OF THE  
HAMILTON LABOUR COUNCIL, ET AL.

PETER DUNLOP, sworn.

WITNESS: Mr Chairman and members of the Committee, first of all I must apologize for not having copies of this brief for your use. Unfortunately there were a couple of errors in the copies we had prepared and they had to be corrected. The purpose of this brief is not to cover the ground that the Trade and Labour Congress and the Canadian Congress of Labour have already covered before you, but rather to show the need of such a Bill so far as the workers in the City of Hamilton are concerned, and the seriousness of the labour situation in that city:

"This delegation of the Hamilton Labour Council is composed of representatives of the organized trade unions in the following plants:

Steel Company of Canada, Hamilton Works—  
United Steelworkers of America, Local 1005.

Sawyer Massey Co. Ltd.—  
United Electrical, Radio and Machine Workers of America, Local 520.

Otis-Fensom Elevator Co.—  
United Electrical Radio and Machine Workers of America, Local 515.

National Steel Car Corp.—  
United Steelworkers of America, Local 2352.



Welland Vale Mfg. Co.—

United Steelworkers of America, Local 2853.

International Harvester Co. of Canada Ltd.—

United Steelworkers of America, Local 2868.

Firth Brothers Ltd.—

Amalgamated Clothing Workers of America, Local 210.

Cornell Taylors Ltd.—

Amalgamated Clothing Workers of America, Local 210.

Westinghouse Co. Ltd.—

United Electrical, Radio and Machine Workers of America, Local 504.

Hamilton Bridge Co. Ltd.—

United Steelworkers of America, Local 2537.

“The decision to send this delegation to appear before the Select Committee appointed by the Ontario Government to review the Proposed Ontario Labour Bill, was arrived at a conference called by the Hamilton Labour Council, on Sunday, February 21, in which approximately 300 executive members and shop stewards representing thousands of organized workers in the above mentioned plants, participated, and where a serious review was made of the labour-management relationship of this city. The Conference was also attended by two members of the Ontario Legislature, Messrs. J. P. MacKay, a member of your Committee, and George Bethune, M.P.P. Controller Sam Lawrence brought greetings on behalf of the Hamilton City Council. Other members of the City Council also attended.

The conference was unanimous in its opinion that:

1. Organized Labour and workers generally have accepted as their main task the winning of the war against the Hitlerite enemy. They are prepared to back up General A. G. L. McNaughton and our men overseas by further increasing production to supply them with the arms and munitions that will be required when they make their historic landing on the continent of Europe.

2. Trade unions in this city are anxious to co-operate with Management and Government in every way to attain increased production and to maintain harmonious relationships in industry in ironing out through collective bargaining differences and disputes that arise as stumbling blocks in the way of production.

3. Management has refused to accept Labour as a partner in industry and has instead launched an offensive to crush the trade union movement in this city, which is resulting in a crisis that seriously endangers production in this vital war centre. No decisive steps have been taken either by Provincial or Federal Governments to bring about harmony on the Production Front.

4. An Ontario Labour Bill is needed, guaranteeing collective bargaining and trade union recognition and outlawing company unions.

This delegation has come before you to substantiate the conclusions of the Hamilton Trade Union Conference. We are firmly convinced that all-out production can only be achieved through co-operation between Government, Management and Labour, and therefore urge upon you to bring forward a recommendation to this session of Provincial Parliament to pass a genuine Labour Bill which will make mandatory trade union recognition and collective bargaining. We wish also to lend our support to the briefs and presentations of the District organizations of the United Steelworkers of America and the United Electrical, Radio and Machine Workers of America, the Canadian Congress of Labour, the American Federation of Labour and their local unions.

We emphasize that a serious crisis exists on the Hamilton Labour Front, which menaces the production of the most vital steel centre. This crisis has been precipitated by the big industrialists of this city, by categorically refusing to recognize the trade unions of their workers and bargain collectively with them."

THE CHAIRMAN: Q. Are there no manufacturers in the city of Hamilton that have entered into collective bargaining agreements with the unions?

A. None of the main war plants have agreements with unions. Other than the two clothing manufacturing plants I have mentioned these plants have no agreements for collective bargaining with the local unions in their plant.

MR. FURLONG: Q. Have the locals of the Trades and Labour Congress any craft agreements there?

A. There may be some craft agreements, but they are mainly in the building trades and not with the big industrial plants of the City of Hamilton.

THE CHAIRMAN: Probably you will catch up with Windsor after a while!

WITNESS:

"It has been sharpened by the vicious attacks that they have made against the trade union movement through leaflets and paid newspaper advertisements and by their campaign to organize company unions. There remains no doubt in our minds that this is an organized offensive on the part of the big industrialists to quash the Labour Bill and to crush the trade union movement in this province.

Since the announcement that a Labour Bill would be presented to this session of Parliament was made by Premier Gordon Conant, Labour Minister Peter Heenan and Mitchell Hepburn, Hamilton became the centre of a frenzied 'company union' campaign. Overnight, Welfare Associations, Employees Associations, etc., that were in existence, were transformed into bargaining agents of the workers in the plants. Where none existed, they were organized by company officials, contracts were signed covering workers who had no knowledge that such organizations were even in existence.

Workers were coerced to join these 'unions' by foremen and superintendents. Numerous methods are used: some are threatened, others are tricked into signing cards without knowing what they are, others are promised increases in pay. This 'company union' campaign has been linked up with a campaign of slander against the legitimate unions chosen by the workers, a flat refusal by the companies to enter into collective bargaining with unions that have through vote established themselves as the bargaining agency of the majority of the workers.

In Welland Vale Manufacturing Co., for instance, where almost 100 per cent of the workers voted for the United Steelworkers Union as their agency, when the union attempted to open negotiations for a contract, the management replied that it would recognize the union under no circumstances and rather than sign a contract would close the plant and produce the shovels that they are manufacturing here, in the United States."

THE CHAIRMAN: Q. How was that vote taken?

A. I will have to enquire from the delegation, sir.

Has any member of the delegation any information as to how the Welland Vale vote was taken?

I believe it was taken with the plant management and the workers; that is, no government vote.

MR. HABEL: Q. By secret ballot?

A. Yes, by secret ballot.

MR. MACKAY: Q. Had they not got any further with that after you had that vote?

A. Well, when the union attempted to negotiate over a contract the management replied that it would recognize the union under no circumstances, and rather than sign a contract they would close the plant and produce the shovels they are manufacturing here in the United States. The issue there was that they should not sign a sole collective bargaining agreement.

THE CHAIRMAN: Q. They had no objection to the terms of the agreement but they did not want to grant recognition?

A. Yes, recognition was not to be given.

"In the Sawyer-Massey Company, the company union came into being after a government-supervised vote was taken which resulted in an overwhelming victory for the union. The company has broken off negotiations with the union and is using the 'company union' to split the workers in the plant. There can be no doubt the source from which the Employees Association sprang in the Sawyer-Massey. R. R. Evans, K.C., a lawyer retained by the Sawyer-Massey, Ltd., is also the lawyer for the Sawyer-Massey Employees' Association."



That was a vote that was asked for by the company, gentlemen. The company wrote in conjunction with the union to the Ontario Government, and the government man came in and took the vote, as the result of which the union won over two to one, and the company union sprang up; and the negotiations are at a standstill on the question of recognition.

MR. HARRISS: Mr. Chairman, I represent the Sawyer-Massey Limited, Hamilton, and would like to make an observation.

THE CHAIRMAN: Yes.

MR. HARRISS: The fact of the matter is that Mr. J. L. Cohen, K.C., was to draw up an agreement, himself having ruled out the previous agreement submitted, and the company has not yet received the redrawn agreement.

MR. MACKAY: Is Mr. J. L. Cohen drawing this agreement on behalf of the company?

MR. HARRISS: On behalf of the union.

THE CHAIRMAN: How long ago?

MR. HARRISS: The last meeting we had was on the 3rd February, and the agreement was to be submitted within the next two days, but to date we have received no copy of the agreement.

MR. MACKAY: Is it fair to ask you whether your company is agreeable to signing this agreement?

MR. HARRISS: Yes, we entered into negotiations after the vote, and we are quite prepared to sign an agreement mutually agreeable to both parties.

WITNESS: The president of that local union is here, Mr. Chairman, and probably he can deal more efficiently with the question if you would like him to do so.

THE CHAIRMAN: Yes.

WITNESS: Then I will call Mr. Floyd Walker here to deal with this question.

THE CHAIRMAN: Mr. Walker, will you please step forward and be sworn.

MR. DUNLOP: Mr. Chairman, the remarks of the previous speaker were not made under oath.

THE CHAIRMAN: We will put him under oath if necessary. He only wanted to ask a question.

Witness Dunlop stood aside.

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FLOYD WALKER, sworn.

THE CHAIRMAN: Q. You heard what Mr. Harriss said?

A. Yes.

Q. He said that Mr. J. L. Cohen was to draft an agreement and submit it to the company, and that it has not been submitted?

A. That is quite right. I wonder if I might be allowed to give a little outline of the situation as to the Sawyer-Massey Company?

Q. Yes.

A. The vote was taken on the 4th December, 1942, supervised by the government. The vote was won 2 to 1 in favour of the U.E., 250 to 131 in favour of collective bargaining.

Q. "U.E." being?

A. The United Electrical, sir. The company agreed to negotiate at any time we were ready, but it took us a good month to get a hearing of any kind with the management. Finally we arranged for a hearing, and a committee of six were chosen,—we added two more to that committee, I believe—and it happened that on January 7 we had a meeting with the management, Mr. R. R. Evans being present. We talked over several of the clauses in the agreement, stuff that was already in effect in the plant, and naturally they were quite agreeable. We did not argue about any of that stuff.

We came to the question of seniority rights and grievances in the shop and they could not see us. Seniority rights, yes, if they were allowed to dictate terms as to the seniority rights and choose the men they thought were entitled to seniority rights.

MR. MACKAY: Q. Mr. Harriss suggested that the first contract was not satisfactory, and that Mr. J. L. Cohen is drawing up a second one. Is it the first one you are talking about?

A. Yes, sir.

Q. The clauses to which they objected were in the first agreement?

A. Yes.

THE CHAIRMAN: Q. How is seniority determined, on length of service?

A. Yes.

Q. Why should there be any dispute about it if it is purely a matter of seniority?

A. I cannot understand that, sir. We asked for seniority rights on the man's length of service with the company.

MR. HARRISS: Q. That is in relation to promotion and lay-offs?

A. In any sense of the word, I believe.

THE CHAIRMAN: We will hear you a little later, Mr. Harriss, in reply to anything Mr. Walker says.

MR. HARRISS: Thank you, sir.

WITNESS: A second meeting was arranged about a week later, and we were told about the Sawyer-Massey Employees' Association. At this meeting Mr. C. S. Jackson was quoted on one or two occasions. This meeting also ended without anything being accomplished.

At the second meeting Mr. Thormahlen stated that he would sign a contract with the U.E., but if at any time the membership dropped below 51 per cent the contract would be void. At the same meeting in the next breath he said he would sign a similar contract with any group or groups of employees, regardless of number.

Up to this time Mr. Thormahlen had been very good-natured about the whole thing, praising the members of the Committee on their behaviour, and so on, as also did Mr. Evans, the company lawyer.

Approximately another week passed when another meeting was attempted with Mr. C. S. Jackson present—at the gate. The management refused to meet with Mr. Jackson, and therefore this meeting was cancelled for one week because of Mr. Hunter's absence. Mr. Hunter had another engagement and could not be there.

Q. Who is he?

A. Alderman Hunter of Hamilton.

Q. The well-known representative?

A. Yes. We arranged for a meeting the following Tuesday at which Mr. J. L. Cohen would be present on our behalf. In view of the fact that the company had Mr. Tony Evans representing them we figured we were entitled to legal counsel, also, for after all we are just a bunch of workers and they could out-talk us very easily. The management was very put out to think that we would do such a thing, but Mr. Cohen was admitted after some discussion with armed guards and telephone calls to Mr. Thormahlen from the main gate.

However, after the management met Mr. Cohen they were very much pleased, and said they believed we should have had him from the start. We went over the entire contract, and it was to be redrafted with minor changes.

MR. MACKAY: Q. What were the changes?

A. Offhand, one change was that we should not have the sole bargaining rights for all of the employees of that shop.



THE CHAIRMAN: Q. That would not be a minor change but a major change?

A. Yes, a major change; the rest of them were minor. We have the original contract and also a copy of the management's proposals here, and I would like to have them submitted to you for your examination.

MR. MACKAY: Q. You can submit them as exhibits.

A. I will have to enquire if they are in the possession of any of the delegates.

MR. FURLONG: Q. It may have taken a little longer than you anticipated, but the company is now willing to sign an agreement with you. Is not that going to end all your troubles?

A. They have given me no indication at all that they will sign the agreement, even as redrafted by Mr. Cohen; it all depends on what is in it. Furthermore, we do not feel that we should have six, eight or ten agreements.

Q. I do not imagine Mr. Cohen would draw an agreement like that. If Mr. Harriss is satisfied with the agreement Mr. Cohen draws, I am satisfied that that agreement will give you what you want?

A. If the management will sign the agreement Mr. Cohen drafted we will be tickled to death, but we have received no encouragement at all that they will sign the agreement. As I understand it, we should bring the contract in and they will read it over and see us next week, and let us know some more about it, and see us the following week.

THE CHAIRMAN: Q. It will take some time. The vote was last December?

A. Yes.

MR. MURRAY: Q. If I understand this Collective Bargaining Bill, that is where the government tribunal will step in, if there is a disagreement over the contract. This Bill would compel both parties to bargain. It appears to me that they will not always come to an agreement, and the tribunal will have to deal with that.

A. We have written for a Commissioner, and they sent Mr. Perkins in to investigate this case. We had a talk with Mr. Perkins for a couple of hours, and he returned to Toronto, saying he would recommend a Commissioner. Since that time we have heard nothing, and that is approximately a month ago. Yesterday we sent a wire to ascertain what happened to our Commissioner.

MR. HAGEY: Q. Your complaint is that there has been unnecessary delay?

A. Yes.

Q. But you cannot expect them to move until you put your agreement in front of them and show them what you want.

A. The second agreement is not in front of them. This is the first intimation I have heard that the company is agreeable to signing it.

MR. FURLONG: Q. It is a good job you came down here.

A. Yes, it is. They have repeatedly asked me for this contract.

Q. Get the agreement and put it in the hands of Mr. Harriss, and then perhaps your troubles will be over.

A. I hope so. Is it satisfactory for me to go on?

MR. MACKAY: Q. Is there anything else you want to say?

A. Well, there is some more stuff here that I would like you fellows to know about.

THE CHAIRMAN: Q. Very well, go on.

A. Perhaps this will enlighten you fellows, too: We went over the entire contract, and the contract was to be redrafted with minor changes by Mr. Cohen on Wednesday. This meeting was on Tuesday.

MR. MACKAY: Q. What date or how long ago?

A. I do not know.

THE CHAIRMAN: Q. You had a meeting on the 7th and about a week later you had another meeting?

A. Yes; the dates of these meetings are in our records.

MR. MACKAY: Q. Mr. Cohen has had time to get the agreement to you since January?

A. We have the second contract in the union office.

Q. Have the Sawyer-Massey Company had it yet?

A. No.

THE CHAIRMAN: Q. How could they sign the agreement before they had seen it?

A. They could not. Let me finish and I will explain.

Q. Proceed.

A. We arranged to meet on Thursday at 10.30 a.m. to finalize and sign the agreement. Mr. Evans, Mr. Cohen, Mr. Thormahlen, and Mr. Harriss were the negotiating committee and we felt that we had accomplished a good deal. The next note I have is that the meeting was postponed because Mr. Evans was not available.

THE CHAIRMAN: Q. He may have had the 'flu?

A. Yes. Following this postponement the management attempted to intimidate the employees by sending through the mail a very discriminating six-page letter to every employee.

MR. MACKAY: Q. Have you a copy of that letter?

A. Yes, that is the only thing I brought with me.

Q. You had better read the letter.

A. Very well, sir:

"SAWYER-MASSEY, LIMITED, HAMILTON, CANADA

February 3, 1943.

To each Employee of Sawyer-Massey, Limited:

Since the outbreak of war the employees of this Company have rendered faithful and honourable service to the Nation,"—which is very true, gentlemen— "the Empire and our men on the fighting fronts and I appreciate your loyal and unstinted efforts and the friendly relationship which has existed between you and me.

It has always been my policy to take the employees into my confidence where matters affecting the employees are concerned. A situation has now arisen which renders it imperative that you as the producers in this plant should be made fully aware of what has been transpiring.

First of all, however, I wish to place my views before you.

I believe,

(a) That every employee is his own free man and free to join or to refrain from joining any union or organization and is entitled to be governed by his own free choice.

(b) That no employee should be put in the position where he may be obliged to join any union or organization against his own free will."

We agree with that too, gentlemen.

"(c) That no employee's job should be endangered because he is a member of a union or organization and conversely that no employee's job should be endangered because he has refrained from joining or refused to join any union or organization.

With the above fundamental principles in mind I now propose outlining to you what has transpired, since each and every one of you is vitally affected.



In November last, C.I.O. organizers claiming to represent a substantial number of our employees, approached me requesting a conference for the purpose of discussing with them what they called a Collective Bargaining Agreement. This was followed by a request for a plant vote, in which you were asked the plain bald question—

The Organizers in this case were two men, one of whom is still working in the plant, I believe, although I am not sure, and the other is in the Air Force now. He was a drill hand or boring mill operator in the plant. The plain bald question was:

“ ‘DO YOU WANT TO BARGAIN COLLECTIVELY WITH YOUR EMPLOYER THROUGH A HAMILTON UNION OF THE U.E. (C.I.O.-C.C.L.)’ ”

A substantial number of employees voted ‘Yes’ and a substantial number of employees voted ‘No’. The ‘Yes’ votes were in the majority.

As a result of this vote the C.I.O. organizers’—Again the organizers were working in the plant—“requested me to meet them in further conference and this I did. Several lengthy conferences have now been held.

The facts are as follows:

(1) The C.I.O. prior to the vote, asked for collective bargaining rights and *after the vote* extended this into a demand for the *sole* bargaining rights. This means that the C.I.O. demanded the right to represent and control all employees—Union and non-Union alike.”—We do not want to control anyone. If a man does not want to join a union that is entirely up to himself.

MR. MACKAY: Q. In the matter of control do they mean that if the union got the bargaining rights in the shop it would have the bargaining rights for 100 per cent of the workers?

A. If there is any bargaining to be done.

Q. But is that what they mean by that clause in the letter?

A. It is quite possible that it is, but the average person reading this letter would think we want to put chains on them.

THE CHAIRMAN: Q. I was wondering if there was any difference of opinion about having segments among the employees? That has been brought up before, and some union men admit that it is necessary in large industries that there shall be more than one collective bargaining agency, but only one collective bargaining agency for this division, and another for that division. Do you understand what I mean?

A. Yes, separate lines of work.

Q. Do you agree with that?

A. Yes.

Q. Is that what they are talking about in that letter?

A. It is all the same kind of work in our shop: making shells, axles for guns, electric furnaces,—all the same kind of work. Then:

"I did not feel free to accede to this demand in so far as non-Union employees are concerned, not only because of the principles above enumerated, but also because a very substantial number of employees had clearly and distinctly, by their vote and by subsequent action in the form of an ultimatum to the Company,"—I do not know what the ultimatum is. I heard there was a petition posted up to the effect that we were free Canadians and felt that we were quite capable of bargaining for ourselves—

"... registered open opposition to being subjected to the domination or control of the Union and were also entitled to consideration and to exercise their right to rule and govern themselves and their own affairs."

We have no objection to that, even in our contract. If any man in the plant has a grievance, it is not compulsory for him to go to his union steward; he can go to his steward or his foreman. If he asks us to take up his grievance, we are willing to do so; but we do not compel any man to come to us. Then:

"(2) The union, after the vote, sought the installation of the 'check-off' system, which means that the company would be obliged to deduct from the payroll envelopes the amount of Union dues payable by its members."

We did not ask for it. It was a counter-suggestion. They wanted to look at our books every month to ascertain who were members and who were not members. We told them that a good way to know who were members and who were not members of the union was to take the check-off.

"(3) It then developed that the 'check-off' was linked with another feature, namely, the insertion in the agreement of what is called a 'Maintenance of Membership Clause.'

That was talked about, but we are not in favour of it.

It developed that *such a provision meant that every employee who became a member of the Union must continue as long as he remained an employee of the Company to pay Union dues*, even though he desired to resign his Union membership and that *the Company would be obliged to deduct Union dues from his pay envelope and pay the same over to the Union or discharge such employee.*"

We made no such demands at all. The impression conveyed here is that we went in there and demanded this stuff, which we did not.

THE CHAIRMAN: Q. It was not in the contract?

A. No; our original contract will show that, sir.\*

"I was not and am not prepared to enter into an agreement with anyone

which would force my employees to pay dues as a condition precedent to employment in our plant.

(4) The Union, after the vote, demanded the insertion in the agreement of seniority provisions which in effect were designed to accord preference,"—I certainly wish I had those agreements here—"in the matter of promotions and lay-offs, etc., to its members through the medium of the machinery which it sought to set up.

I was unwilling to accede to this demand, but was prepared to consider a provision assuring fair seniority rights to all."

As I understand it, they would have the right to decide which was fair and which was not fair, and we would not have very much to say about it.

"(5) The Union, after the vote, further demanded insertion in the agreement of grievance machinery provisions which in effect would vest in the Union complete control and domination over all the employees of the Company whether members of the Union or not.

I was unwilling to accede to this demand in so far as it affected employees who were not members of the Union. Those employees have their rights too and it is my belief that those rights must be protected and preserved.

I am sure that all fair minded and unprejudiced employees will agree that any agreement entered into by the Company dealing with matters affecting the welfare of employees, must be beneficial to all—Union members and non-Union employees alike—and I do not feel that I would be justified in 'selling out' my non-Union employees by entering into any other type of agreement with anyone."

I am sure Mr. Cook, who gave the Committee some information this morning, would not send out a letter like this, gentlemen! Mr. Cook seemed pretty well satisfied with his union members.

"Since I was not prepared to meet these demands the Union retained as its legal adviser, J. L. Cohen, prominent in C.I.O. affairs, and he sat in at a meeting held yesterday. He agreed with my objections to the original unreasonable demands of the C.I.O. organizers and proposes re-writing entirely new proposals for consideration. It remains to be seen what these new proposals may be, but I felt you should know all the facts to date.

(6) In November last the Company decided upon a policy of paying time and one-half for hours worked in excess of 48 in any one week and also for Sundays and Legal Holidays. This would mean, in effect, that a conscientious employee working a full week's shift would receive time and one-half for time worked over eight hours per day, as compared with the present basis of time and one-half after 10 hours in any one day and 55 hours in any one week. The Company proposed in November to immediately make application for the necessary permission from the Regional War Labour Board when I learned almost simultaneously that the C.I.O. organizers had applied to the Department of Labour to supervise the vote in our plant mentioned above."



I do not know that the C.I.O. organizers applied any more than the Company did; they both sent for it.

"Obviously the Company's application to the Regional War Labour Board had to be delayed until the outcome of developments arising from the C.I.O. organizer's action became apparent. As a result of the Union's activities, in so far as the Company is concerned, payment of overtime to our employees on the revised basis has already been delayed at least two months."

That is when this letter came out, of course.

"While the representatives of the C.I.O. have given me to understand that they subscribe to the above revised basis of paying overtime, they do not wish it to become effective until they secure a Collective Bargaining Agreement. Rather than further prolong the delay, however, the Company applied some days ago to the Regional War Labour Board for the necessary permission to commence paying overtime on the above basis, qualified by a provision to protect the employees that should an employee be prevented from completing 48 hours in any one week by reason of illness, lay-off or other unavoidable cause . . ."

I do not believe we would have very much to say about what was an unavoidable cause, gentlemen. Then:

" . . . overtime should be paid for all hours worked over eight in any day of any such week and that where a Legal Holiday occurs during a working week, the basis of computing overtime for that week be correspondingly reduced. Incorporated in our application also is a request for approval to pay a five cent per hour bonus, over and above day shift rates, to those workers on night shifts.

Absenteeism has been a serious production factor and I am hoping that if the requisite permission is granted by the Regional War Labour Board, the proposed plan will be an incentive against continued absenteeism and at the same time it will place a large additional amount of money in the pockets of the employees.

"In conclusion may I make it clear that I am not in any way opposed to the Union or to the Sawyer-Massey Employees' Association, or to any other number of employees associated together for their own purposes and for their own needs. I only hope for harmony, co-operation and the maintenance of the enviable production record established by you through your own labour and your own hands.

(Sgd.) Sawyer-Massey, Limited,  
A. O. Thormahlen,  
Vice-President and Managing Director."

EXHIBIT No. 175: Letter dated February 3, 1943, from A. O. Thormahlen, Vice-President and Managing Director, Sawyer-Massey, Limited, Hamilton, to each employee of Sawyer-Massey, Limited.

THE CHAIRMAN: Q. I should think, Mr. Walker, that with a letter like

that on one side and you with your good nature on the other side, you should be able to get together without any trouble at all.

A. Well, before coming here, sir, I went to see Mr. Harriss and Mr. Ingram and told them that I was coming down here, but suggested that if they were prepared to sign the contract there would be no need for me to come here at all.

Q. We are glad you came.

A. Apparently they were not ready to sign anything, so we did not accomplish very much.

MR. HABEL: Q. Did you get the increase in wages that they were asking through the War Labour Board?

A. No. We were asked to send jointly with the association and the company to the War Labour Board for this raise.

Q. And you did not apply to the Board?

A. No; we have not applied for it. We do not think we should link our name with the shop association. When they are prepared to sign a contract with us, it is all in our contract. I do not see why we should split our contract up into little bits and send it down to the War Labour Board.

Witness withdrew.

THE CHAIRMAN: Now, Mr. Harriss, would you like to give evidence?

MR. HARRISS: I believe my purpose has been achieved, Mr. Chairman. Unless you have some purpose in calling me before you, I am content. I would like to thank Mr. Walker for his beautiful reading of the letter!

THE CHAIRMAN: You people ought to get along all right.

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MR. DUNLOP: Mr. Chairman, probably Mr. Hunter can make the point I was going to try to make, since he knows all that went on. I think the Committee would be better informed if he were to appear before them.

THE CHAIRMAN: Very well.

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HARRY HUNTER, sworn.

WITNESS: Mr. Chairman and members of the Committee, on the question of the Sawyer-Massey situation I would like to clear up a couple of points in regard to Mr. J. L. Cohen. Mr. Cohen came into the situation at the request of the union in order to try to establish contractual relations with the company. Mr. Cohen was present with the union delegation and the union management and it was agreed that he would attempt to draw up a contract which would be sub-

mitted to the parties for further discussion. That was on the 2nd February, I think. On the 3rd February the document Mr. Walker has just read was in the hands of or had been mailed to all employees. Also Mr. Cohen was informed by Mr. Evans, the attorney for the company, that they would not be able to meet at the arranged date, which was the next day. We considered that the mailing of such a document was in distinctly bad taste and bad faith, in view of the fact that we had the day previously decided that we would attempt to iron out the difficulties that had arisen. As a matter of fact, I do not think anyone would say, after studying that document, that it was intended to make for better and more harmonious relationships.

Then one or two days later Mr. J. L. Cohen was appointed to the War Labour Board, and dropped out of the picture. The contract has not been delivered. The whole situation has been placed in the hands of the Federal Department of Labour, and the last word I have on it arrived yesterday, to the effect that the advice is that a board of conciliation be applied for to decide this question.

MR. MACKAY: Q. Before that board of conciliation is applied for would it not be advisable to present the second draft contract to the company?

A. The local union feels this way about it: The original document as prepared by the union is a reasonable document and was prepared for the purpose of being placed before the board of conciliation for discussion and decision. I could read to you what caused the dispute. I think it would be of interest to your Committee. May I read to you the recognition clause, with which you are interested:

#### "RECOGNITION

The Company agrees to recognize the Local Union as the Bargaining Agency of its members as long as the Local Union represents through its fully paid-up members in good standing fifty-one per cent of the eligible employees in the Company's employ. The Local Union agrees to submit to the Company, at least quarterly, a list, verified by affidavit or statutory declarations, of its paid-up members in good standing, and the Local Union shall cause the members of the Local Union to produce their membership books for inspection by the Company upon request. Any employee refusing to produce his book for inspection, upon request, may be considered not to be a member of the Local Union in good standing. If the Local Union fails to represent a majority of the eligible employees of the Company by virtue of its paid-up members in good standing falling below the stipulated fifty-one per cent, or otherwise fails to comply with this paragraph, the Company may, by notice in writing given to the Local Union, cancel and exterminate this Agreement."

MR. FURLONG: Q. Is that the company clause?

A. That is the proposal of the company, sir.

MR. HABEL: Q. You said Mr. Cohen dropped out of the picture a few days after that meeting, and that there was no second contract drawn. I understood Mr. Walker to say there was a second contract in the office of the union, and that Mr. Evans, the legal representative of the Sawyer-Massey Company, was unable to attend the meeting?



A. Yes.

Q. So the contract is really drafted?

A. It was drafted and sent to the local union, but was not sent to the management because of the fact that Mr. Cohen considered that the management had acted in bad faith in releasing this letter to the employees.

THE CHAIRMAN: Q. Did Mr. Cohen tell you that?

A. Mr. Cohen was quite enraged. The agreement was that he would send it to the company and the union. I had received copies. The agreement was that the local union would decide as to whether or not they would go ahead with this question. Now the local union is taking the position that it will go before the conciliation board with the old contract as the contract.

MR. ANDERSON: Q. You feel that the company has broken faith?

A. Yes.

THE CHAIRMAN: Q. Is not that an extreme view to take?

A. I do not think so, sir.

Q. The non-union workers sent up a petition, Mr. Hunter, saying they did not want anything to do with the union and asked the company to protect them, and the vice-president sat down and wrote the letter?

A. Yes.

Q. Probably the fact of the matter is that if Mr. J. L. Cohen had not been transferred to another field of activity you might have had the whole thing settled?

A. I hope so. I could not guarantee it. Even Mr. Cohen has his limitations.

Q. Why don't you get another lawyer and settle it?

A. I would like to point out that we have been led to believe that the attorney for the company also had something to do with drawing up the constitution of the Sawyer-Massey Company union.

Q. I think that has been denied.

A. Perhaps it has, but we have reason to believe it is correct. At any rate, we pointed out that it would perhaps be better if Mr. Evans was not present at any future negotiations. Since that time we have received no reply to that letter, and that is how the situation stands at the moment. An investigator has investigated the situation, and the Federal Department of Labour are recommending that a board of conciliation be set up in this case.

MR. DUNLOP: Q. Has the relationship between the union and the management been more or less the same from start to finish, or has there been a change?

A. In my opinion there has been a distinct change. I may say that the management of the company in the first place were very co-operative. Mr. Thormahlen investigated the status and history of the U.E.R. and was of opinion that he could do business with that union. But something happened, and after the vote was taken the company union came into being, and we ran up against this clause on recognition, a clause which we could not accept; and since that time certainly relations have not been of the best, but have deteriorated. That is the situation, Mr. Chairman.

MR. FURLONG: Q. Would you accept a clause if it provided that the agreement be for one year?

A. Yes, that was our proposal.

Q. And at the end of the year it would automatically expire and you could negotiate another agreement with whoever was the bargaining power as the result of a 51 per cent majority?

A. Yes, we did not ask for a closed shop.

Q. Once you make an agreement you do not upset it every three months?

A. No.

Q. Don't you think your proper method now, regardless of your complaint and in the interest of trying to get the difficulty solved, is to submit the agreement you desire before trying for a board of conciliation?

A. We have submitted an agreement that we think is a reasonable document, and we are prepared to discuss that.

Q. The board of conciliation has no power to make an agreement. All you get out of that is a vote to determine the bargaining agent?

A. We have had that.

THE CHAIRMAN: Q. Mr. Harriss says they have not got the second agreement that was agreed upon to be produced. You can surely take Mr. Walker with you and sit around and settle the matter amicably?

A. I am willing to try, but this has been going on since December 4 and the company have not backed up on the question of this recognition clause.

Q. Go in and give them a good argument on it.

A. I will try.

MR. MACKAY: Q. If the board of conciliation is set up, have they the right to force conditions on you or on the union or on the company?

A. No; unfortunately they have not. That is why I think your Committee can do a good job, because we have nowhere to go, only to a conciliation board.

THE CHAIRMAN: Q. That legislation is a little archaic.

A. I would like to point out, further, that the management have declared that they will sign a similar agreement as is signed by us with any number of groups that represent themselves to be organizations in that plant.

MR. ANDERSON: Q. They want the privilege of recognizing a minority group?

A. Yes.

Witness withdrew.

Whereupon the Committee adjourned at 1.00 o'clock until 2.00 o'clock p.m.

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#### AFTERNOON SESSION

Upon resuming at 2.00 o'clock p.m.

THE CHAIRMAN: The Committee will please come to order.

MR. FURLONG: Mr. Dunlop will resume reading his brief, Mr. Chairman.

PETER DUNLOP resumed the stand.

WITNESS: I think we had finished with the Sawyer-Massey Company, Mr. Chairman. The following are a few notes on what is going on in Hamilton:

"In the Hamilton Bridge Company where the company refused to negotiate with the union, the United Steelworkers of America have the majority of the workers in their union and were granted a board of conciliation. The management, being aware of the Board, in the meantime signed an agreement with their shop committee (company union), claiming that it represents the majority of the workers in their plant, despite the fact that the union has enrolled approximately 700 of the 1,100 employees.

The National Steel Car Corporation provided an office in its administration building for the officials of the National Steel Car Employees' Association."

MR. MACKAY: Q. Would you tell the Committee how far the Hamilton Bridge Company has gone?

A. The Board is now sitting on that question, and an agreement was signed by what is called a personnel committee, that is a small committee of the large committee in the shop. The workers are not aware of what is in the agreement;



nobody knows except those who signed it what the agreement contains. It has never been published. The first notification came with the announcement of the Board.

Q. Am I correct in saying that while the negotiations were going on with the union organization the Hamilton Bridge works set up a company union?

A. It is our opinion. This shop union certainly was set up after the union had started; the union itself, I believe, had a representation on the shop committee of approximately twenty representatives out of twenty-five; there were three or four who were not members of the union.

THE CHAIRMAN: Q. I beg your pardon?

A. On the shop committee there were approximately twenty men who were members of the union, actually elected on that shop committee. Then:

"The Westinghouse Company has provided office space for the Westinghouse Employees' Association in both the East and West end plants.

The above mentioned examples are overshadowed by the vicious campaign that has been launched by the Steel Company of Canada and the Otis Fensom Elevator Company against their employees' unions. In both these plants their respective unions, the United Steelworkers of America Local 1005 and the United Electrical and Machine Workers of America Local 515, claim to represent the majority of the workers in the plants and are prepared to prove this by a government-supervised vote.

In both cases the unions have attempted to open peaceful negotiations with the managements. They have stated their determination to do all in their power to maintain and increase the output of steel and guns for victory. But instead of co-operation their attempts have been met by a campaign of misrepresentation and slander. Full-page advertisements were published in all the main newspapers across the country by Mr. McMaster of the Steel Company of Canada, and Mr. Black of the Otis Fensom Elevator Company, describing the unions as being irresponsible, trouble-making organizations, dominated by 'out-siders' and fomenters of strikes. The declared policy of both these unions has been 'No strike in war-time.' These advertisements were in answer to the unions' desire for peaceful negotiations and their application for a Board of Conciliation to avert a serious crisis. In both cases the managements wrote to the Federal Minister of Labour urging that the Board not be granted.

Mr. Black's letter, which was published in the Otis Fensom Company advertisement, resulted in a sharp rebuke from the Minister of Labour, the Hon. Humphrey Mitchell, in the form of a letter published in the Hamilton Spectator on Monday, March 15, which reads in part: 'The refusal of a request to enter into a collective agreement and to recognize a union clearly constitutes a dispute within the meaning of the Act (the Industrial Disputes Investigation Act) and has been so held by an official ruling of the Department of Justice,' and further: 'I cannot share your alarm about the possible consequences of the appointment of a Board of Conciliation and investiga-

tion, even if, at the very worst, only a negligible minority of your employees were in favour of the application. There can be little to fear from disinterested inquiry and recommendation. Neither can you fear that the Board procedure may give a union an opportunity for publicity since few boards proceedings or recommendations get as much publicity as you have already, by newspaper advertising and otherwise, given your letter.'

In our opinion the aforementioned incidents, which are but a few, are examples of deliberate provocation on the part of these Hamilton manufacturers and has resulted in the present unhealthy and very dangerous situation that exists to-day in one of the most important war production cities in the Dominion. We iterate our belief that these actions are an organized attempt on the part of numerous big industrialists of this province to smash the trade union movement and to kill the Labour Bill. They can lead to nothing but disunity, disruption of production and curtailment of the total war effort of our nation. For this organized labour cannot be held responsible.

Full co-operation of Management, Government and Labour is the only solution for total war production. The organized workers of Hamilton and the whole of the Province of Ontario, welcomed the statements that a Labour Bill would be passed by Parliament. Since the Bill was shelved and your Committee was appointed to review the question, a determined demand has come forward that the Government of Ontario not allow itself to be influenced by the anti-total war, anti-labour forces in this province, who are prepared to substitute the war against Hitlerism by a war against Canadian labour in their attempt to safeguard their own selfish interests. This demand has not come from labour alone; it is supported by people of all walks of life. The Hamilton City Council has gone on record urging that Ontario Parliament pass a Labour Bill. The Hamilton East End Liberal Association supported the statements made by Mr. J. P. MacKay supporting the passing of the Bill, guaranteeing Collective Bargaining, trade union recognition and outlawing company unions. The total war people of the Province demand it. They recognize that a genuine Labour Bill will go a long way to bring about harmony on the production front, will solve the crisis that exists in Hamilton and other industrial centres, and pave the way for government, management-labour co-operation for production for victory.

1943 is the decisive year of the war. The declarations made by President Roosevelt and Prime Minister Churchill since the Unconditional Surrender Casablanca Conference, point to the tasks that all of the United Nations must shoulder. Our boys overseas stand prepared to launch the offensive that will strike the crushing blow against the fascist Axis. Their responsibility to victory is great—ours is equally great. We must supply them with the tools that will stamp out the enemy. We solemnly urge that your Committee makes its contribution by recommending to Parliament that the Ontario Labour Bill be passed; that it guarantee collective bargaining, trade union recognition and outlaw company unions. The passing of the Bill will give the workers of this Province the assurance that they need, that the Government is giving the lead to the total war effort of this country and accepts labour as an indispensable partner."

Mr. Chairman, the purpose of the Hamilton Labour Council in submitting

this brief is to endeavour to bring to your Committee's attention the serious situation that exists in the industries in Hamilton. Those of us who are fortunate enough to hold leading positions in the labour movement in that city are doing all we can to ensure that there shall be no stoppage of production. We intend to do everything that we can towards the winning of this war; but, nevertheless, we feel that there are industrialists in the City of Hamilton who think the war is pretty well won and who would like to get rid of the trade unions and be in a safer position after the war. That is our opinion of these people, gentlemen.

Now, there are workers here from the various plants in Hamilton who may be able to substantiate the material contained in the brief, if the Committee would like to hear any of them. The president of the union in the National Steel Car Company is here and can give you details of the actual situation, and there are executive members representing the workers in the Otis-Fensom Elevator Company present, if the Committee would care to hear them as to the situation within that plant.

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### AFTERNOON SESSION

WEDNESDAY, MARCH 17, 1943

THE CHAIRMAN: We have been sitting here for weeks now, and we have heard a lot of evidence from both sides, and the middle course and all the rest. If there are any members of the delegation who think they can add anything to the reason why there should or should not be a collective bargaining Bill in this province we will be glad to hear them. We have had evidence of discrimination, intimidation and so forth. We know pretty well, or, if we do not, we should, the real question in issue here.

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WILLIAM ROBERTSON, sworn.

I carry no written brief in respect of this question, but I would like to give you what has happened in the National Steel Car. There, it is regrettable to say, twice they have gone on strike. As a result of the first strike we had a controller appointed to the National Steel Car. The name of that controller was E. J. Bruning.

THE CHAIRMAN: Q. About what was the first strike?

A. To claim union recognition.

Q. And the second strike?

A. The second strike was on the same policy. Mr. Bruning, when he arrived, we understood, was going to undertake negotiations with our union, so we returned to work. For a period Mr. Bruning remained in office there. He clearly showed he had no intention of recognizing our union.



Q. Who was he, anyway?

A. Mr. E. J. Bruning was the director appointed by the government, or, I should say, the Federal Government, to that plant. He was president of the Consumers Glass, I believe.

During the period he was present we received from the government an agreement that there would be a vote taken in the plant regarding the desire of the men in the plant as to whether they wanted a collective bargaining agency. When the vote was taken it turned out slightly in excess of 87 per cent desired their local union. That was the Steel Workers' Union.

The government, after the vote was taken, declared that as the plant was now a Crown agency they could no longer agree to a bargain with the union. To that extent they refused to recognize and bargain with us as a union.

Mr. Bruning's attitude was pretty hostile to our organization. It was hostile to the extent that, seeing the trend of affairs, the members of the local got hostile and decided once again to strike. The second strike was called for union recognition plus the removal of Mr. Bruning.

On the fourth day of that strike we received a notice from the government, the Federal Government, I should say, that in place of Mr. Bruning, who was resigning, they were sending a Mr. Howard Chase to take over the controllership. There was an undertaking by the government that conditions were going to be put under his controllership. Mr. Chase duly arrived, and I would like to say that under his controllership conditions in that plant improved—well, practically improved—100 per cent. There was under his direction a personnel manager appointed and all grievances had to be taken through this personnel manager. Failing to arrive at a decision with the personnel manager we could always refer these grievances to Mr. Chase. For quite a period that worked out fairly well, but towards the end of Mr. Chase's controllership they found it necessary to have fired out of the plant the Chief Security Officer for actively interfering in trade unions. As far as we could make out, and I saw a letter at a later date from the Minister of Munitions and Supply, it was stated that Mr. Windsor had been fired for anti-union activity, that they had sent spies into the local union.

On Mr. Windsor's removal we had appointed another Chief Security Officer who looked to the security of the plant rather than to interference with our union. At the end of the controllership of Mr. Chase our agreements were pretty much all drawn up, and I would like to state that from the advices we received from that controller production in that section of the plant which we had to deal with came to a common agreement and improved considerably. However, on August 1st it pleased the government, the Federal Government, to remove Mr. Chase. Mr. Chase met us on the 4th of October and notified us of that fact. We told him that we had no great faith in the company living up to their agreement with the regulations which had been drawn up. The regulations as they had been drawn up covered seniority, covered wage conditions and I may say that they were acceptable to the men as a whole, creating a condition whereby production could be proceeded with with no thought of any other distress.

With Mr. Chase's removal it was undertaken that Mr. Hart would live up

to all our agreements. When Mr. Hart resumed chief control of the plant we found out, when we could interview the personnel manager, that all that was happening was they were listening to what we had to say and practically ignoring us from then onward. That continued until such a crisis arose in the plant that we had to write to the Federal Department, to the Minister of Labour and to the Ministry of Munitions. After a period, I believe, from the first day we wrote until we received a reply, fifty days passed, during which time the temper of the men was getting out of bounds. There was a Mr. McCullough who arrived in the plant. Mr. McCullough got the union committee and got an interview with Mr. Hart.

By the way, I would like to point out that in the meantime our personnel manager had quit, had gone out of the plant and had gone to some other job. Where he went I do not know.

On approaching Mr. Hart our grievances were brought up and some brought into question interpretations on our regulations. The company in the majority of these cases could not justify their attitude in regard to interpretations, and on other points where we had referred matters to Mr. Hart, the president of the corporation and received no reply, we asked the reason why. Mr. Hart put the entire blame on the personnel manager who had just quit. He pointed out that in the future things were going to be different. Well, there was a new personnel manager appointed—

THE CHAIRMAN: Q. Do we need to go into it at such length? If the Committee is going to make a recommendation to this present Legislature we have to limit it somewhat. We have listened for weeks and we know this story without flattering ourselves fairly well now, I think.

A. I would like to point out that if a collective bargaining Bill was brought in it would eliminate all these things. There have been two strikes down there, and there is no guarantee there will not be a third one. It is to prevent that that we are really here.

Q. We have heard many, many representatives, and we think we know the reasons.

A. You know, they bring in people from outside sources to compel management to listen to reasonable questions.

MR. MACKAY: Q. Who is going to bring in those outside sources?

A. We had to bring in Mr. McCullough from the Federal Government and only recently we were required to bring in another conciliation officer. That is the point I really desire to bring out.

I would also like to point out that in that plant there was an organization brought into existence by the management and it is a fact that the management favoured or tried to favour it. They tried to create a membership for that organization and as far as I know pretty well failed. They tried it first through a class of coercion, and secondly they tried through an insurance scheme.

THE CHAIRMAN: We have heard of dozens and dozens of similar cases.

MR. FURLONG: What you mean to say is that you are in favour of collective bargaining and that the choice by taking a vote should be the collective bargaining agency?

A. Yes.

Q. And that would eliminate all these troubles about which you are talking?

A. We hope.

Q. Do something towards it. It would help?

A. We hope so.

MR. FURLONG: I think the Committee understands that.

MR. NEWLANDS: In view of the fact we have listened to deputations from other centres and we have not cut them off, I do not think we should cut these gentlemen off, or this gentleman. Let him go ahead and tell his story and rule on it afterwards, after he is through, that we are not going to let them go so long this session and go into details we have already heard. I think we should let the present deputation go on and give us their views and not cut them off.

THE CHAIRMAN: Yesterday we tried to point out to one witness that we understood his point of view. We heard many more and he kept on for an hour.

MR. NEWLANDS: I do not think they will keep on for an hour.

THE WITNESS: I will not be much more than five minutes.

MR. NEWLANDS: Go ahead.

THE WITNESS: The main point I would like to bring out is the fact that the company has done all they can towards the creation of another organization, that that organization was created by giving certain individuals jobs, good jobs, in the plant. The jobs were in the nature that during the controllership of Mr. Chase we brought to his attention the fact that the individuals were walking through the plant and had no obvious job. Mr. Chase undertook that he would investigate this department and on his next visit he would give us his finding on it. The next time Mr. Chase arrived he told us that the department in question indicated that the duties which had been brought into existence for them were largely finished, that all except two of these individuals were going to be moved out and would find other jobs.

In conclusion, in making my statement, we have also had some trouble recently through Selective Service regulations. We had a situation in which the Selective Service gave the company permission to lay men off owing to the scarcity of gas. The gas scarcity was to finish on January 25th at three o'clock at which time the company saw fit to carry on under the pretence that they were still under the Selective Service Order. We negotiated through the Selective



Service at that time and had a statement from them that on that date, at that period, their authorization had ceased, that outside of that the company would be responsible for it. I understand the company had to pay several men a sum of money the amount of which I do not know. At a later date we found out that the company had given two days' notice to an entire department of men where, according to our agreement, they should have received seven days' notice in order to give them a chance of negotiating a transfer to another part of the plant. The company used the Selective Service against their own regulations.

To that end we believe this Bill, if brought down, would give us a real collective bargaining system by which we could eliminate all that trouble and could eliminate all the chances of strike. That is all.

THE CHAIRMAN: Thank you.

MR. FURLONG: Is that all, Mr. Dunlop?

MR. DUNLOP: That is all, Mr. Furlong, except I think Controller Sam Lawrence would like to conclude with a few remarks.

MR. FURLONG: Very well.

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SAMUEL LAWRENCE, sworn.

As I stated at the outset this morning, Mr. Chairman, I desired, on the request of the Hamilton Labour Council, to introduce this delegation and I also requested that if you would make it possible I might make a few concluding observations. I am here not as a representative of the Hamilton City Council but as a voluntary, gratuitous organizer for the trade union movement. I might say that covers the whole of the trade union movement with the exception of organizing rump unions, with which we have nothing to do.

THE CHAIRMAN: "Rump" is a new word.

THE WITNESS: I might say my organization is the Journeymen's Stonecutters' Union of North America. I carry to cards, one with forty-nine years' membership in what was the original Mason's Union of Great Britain, now the Amalgamated Union of Building Trade Workers of Great Britain and Ireland, and I have been a member of the Journeymen's Stonecutters' Union of North America for thirty-one years. Thanks to the good citizens of Hamilton I have not been working at my trade since December, 1928.

THE CHAIRMAN: All the evidence here would indicate that it is quite a backward city.

THE WITNESS: In the course of my activities I have traversed this province on several occasions doing organizing work on behalf of the trade union movement, and I can tell you this, that especially during the period of the depression, or subnormal conditions, economic conditions, I have found some of the worst intimidation, discrimination and victimization of workers who had expressed the

desire to organize in their respective industry, trade or calling. There is a saying, I believe, by William Shakespeare, That he who owns the means whereby I live owns my life. I may make this statement in regard to expressions which have been made that there can be no freedom of action in company unions. Now, it is largely a measure of degree—

MR. CHAIRMAN: Q. Mr. Lawrence, may I interrupt you for a moment?

A. Certainly.

THE CHAIRMAN: I take this opportunity of announcing that there is a message for Stewart Bromley, of Sudbury. He is wanted by Operator 22, Sudbury.

I am sorry to have interrupted you, Mr. Lawrence.

A. It is quite all right, sir.

Under those subnormal conditions we have found that there have been more men and women at times outside looking into the factory than there have been inside looking out, and if there has been an expression of desire, any attempt to organize unions in the respective industries, trades and callings, they have been met with the bitter hostility of their employers, to the extent, as I have already stated, that they are fired, the first time it is heard they are trying to form unions in their respective industries. But when the conditions changed, with this war prosperity and the bringing in of the Selective Service Act, whereby it was more difficult to fire people, in other words, as I heard Bob Kennedy say many years ago—I believe thirty-five years ago—the most successful union organizer is a good trade, but the most successful recruiting sergeant is unemployment. Advantage was taken under those conditions. But, now the employer as I have found, have adopted a new technique. In other words, where there has been an expression to organize or any desire, in some cases after conciliation has been applied for and especially I would like it noted we have found they have been working at a feverish rate to organize company unions and for any man to tell me, in view of my experience, that there is no domination on the part of the employer in regard to company union, he does not know what he is talking about.

I will say this quite frankly that it is prompted, sponsored and financed by the employers in this province and in this Dominion—that is, unionism—and if you are going to allow the recognition of company unionism in this collective bargaining Bill instead of straightening out these critical conditions which prevail, not especially in my own city, I am going to tell you right now that you are going to have more disturbed conditions than you have at the present time. I am only telling you this by reason of my experience.

I want to say this, while I am not here to speak on behalf of my council, that we are perturbed about the critical situation which now prevails in Hamilton at this present time, especially in war industry. We have had very happy relations, as far as our council is concerned, with our own employees. As a matter of fact, we have signed several agreements with the respective trade union organizations in connection with the civic employees. They are not closed shop agreements, but they are real, good agreements.

I will not take up any more of your time, except to say I would just like to illustrate one incident to you in order to prove certain things in connection with what previous speakers have said relating to conditions in the National Steel Car.

On the Tuesday morning following Labour Day two years ago I happened to be in the Steel Workers' office—S.W.O.C.—at that particular time. It is now called the United Steel Workers of America. There was a copy of recommendations by Mr. Chase, the controller. To size the recommendations up, the two main points, conciliation points, in the recommendations were, Let us forget the past and no acrimony in the future. While I was perusing the document to which I refer one of the employees of the National Steel Car came into the office. I did not even know the man's name. I had probably seen him a few times before; however, I do not know his name as yet. I went into this agreement with this man. He was employed in one of the shops of the National Steel Car. He told me, and it can be confirmed, that in respect of the company union they attempted to organize after the first strike, they even set up an office inside of the National Steel Car for the union. Do you ever think that such a privilege would be extended to a real union such as to establish an office right inside the plant? This young man told me that a few days prior to reading this document two officers of the company union, accompanied by the foremen, went around the shell shop and interviewed everyone, every worker of the shell shop who was not a member of the S.W.O.C., in an endeavour to induce those men to join the company union. What do you think, Mr. Chairman and gentlemen of the Committee, would have happened to the shop steward in that particular department if he had gone to the foreman and asked the foreman to accompany him around the shell shop to ask those who were members of the company union, to induce them to join a real union? Why, he would have gone out of the gate so fast you would not have been able, hardly, to see him go. I told this young man had Mr. Lawrence been the shop steward of this particular shell shop there would not have been a member of that union working five minutes after I got the confirmation that there were two officers of the company union, accompanied by the foreman, going around to the respective workers there trying to induce them to go into the company union.

I say it is only a matter of degree, on this question of company unionism. I do not say in every case it could be presented so forceably as I can present it in this particular instance. It is a matter of degree, and it prevails in every plant, industry, trade or calling where they are shutting up company unionism. Instead of straightening these difficulties with which we are confronted, I am telling you it is going to be much worse than it is at the present time.

I happened to be in the courthouse yesterday when the conciliation board were hearing the case of the Wellandvale Works. The principal argument of the manager or president of the company was that if they signed an agreement with the Steel Workers Union it would not cover all the employees in the Wellandvale plant. They admitted, themselves, that there were only eleven who were not members of the Steel Workers Union. I understood by the evidence that out of those eleven there are two overseas and three are acting in a supervisory capacity. In other words, they are kind of straw-bosses in this particular plant. The whole thing was cut down to less than 2 per cent who are not members of the Steel Workers Union. Yet, he refused to enter into negotiations with the union on collective bargaining because it would not cover all the members



of the plant. If we believe in democracy and we believe in the rule of the majority, how on earth can any person put up a case when there are only 2 per cent in the plant who are not union members.

By the way, the United Steel Workers are quite prepared to act for all the employees in this plant. Why would they not be? Because, if you present to those workers who are not members of the union—just 2 per cent in this case—that you are going to do a job for them, and you can do a job for them, it will be only a short time before the whole of these workers will be in the United Steel Workers Union.

I thank you. (Applause.)

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A. READY, sworn.

I am president of Local 504, Westinghouse.

I have worked for Westinghouse for seventeen years. I have been transferred from one department to another, more than any other man who ever worked in the plant. I know of the different situations in the different departments. I have heard a lot of evidence given to-day with respect to collective bargaining. I do not think many have touched on the basic principles. What I mean to say is that I have seen things in the plant, such as the case of a man who was working with me and who was a veteran of the last war being suddenly stricken and falling down at my side. We carried him out and they took him to the hospital. They sent him to Christie Street Hospital, and he was off nine months. When he came back from the hospital he was like a walking rail; he could not work. The doctor at the Canadian Westinghouse called him on the 'phone and asked him to come to his office. We have a benefit scheme over there which pays one so much a week. I believe this man had six children at the time, youngsters, and he was drawing about \$14.50 a week from this benefit. When the doctor called him to his office and told him to report he said "My man, you are looking fine; report for work." There were 150 men in our department, and everyone was laid off except the boss. This man came to see the boss and he said, "I have no work for you. You cannot work until you are sent for." To this day this man has not been sent for. If he had convalesced for three more months he would have received \$1,000, but he was cut off like that with no organization to fight for him. I went to this man just a few months ago, in case such a thing as this might come up, and I asked him to substantiate everything I have told you here. He said "Any time you want me to report to any committee I will be only too glad to do so."

There are other instances in the plant I could tell you of now—many of them—which I have seen with my own eyes. God knows what has happened that I have not seen, and there has been no one to fight for these people.

A VOICE: He was just a returned soldier, that is all.

THE WITNESS: We started organizing two years ago in May, 1941. Approximately six or seven weeks after we started to organize, a company union was set up in Westinghouse with an office right inside the plant. In literature

we sent to the Westinghouse we asked the Westinghouse company to change the form of vacations. We had to stay there for ten years in order to get one week's holiday and twenty years for two weeks'. We asked them to change this vacation system for the employees to one week after one year and two weeks after five years. As soon as an employees' association was formed they got it right away like that, like a snap of the fingers. They changed the rule as to holidays to one week after five years and two weeks after ten years and one week after three years for females. We maintain this is definitely a company union. They collect 25 cents a month.

Just a week ago Saturday a man came along to me in the shop. I had never seen him before. He came over to me and said "Are you the president of the union?" and I said "Yes." He said, "I have a bone to pick with you. I am going to quit your union. I have been in it three months now, and it is not worth a damn. I am mad, and I do not mind telling you so." I asked him "What is the matter?" and he said "It is like this: all you seem to do is play into the company's hands. Everything you seem to do is for the company." I said "We want to collaborate with the company." He said "I do not care; it is fishy to me, and I am not paying any more dues. Even the steward in our department is a stooge. He runs to the management with everything." I said "How much dues do you pay?" and he said 25 cents a month." I said "You have been with the company union. This is the C.I.O."

Those are the things which go on in this plant. I could name you some more without any trouble at all.

THE CHAIRMAN: We have been listening for three weeks.

THE WITNESS: I know you have, but you have been listening to representations covering a plant in general.

THE CHAIRMAN: No.

THE WITNESS: I have not heard them to-day. I just want to prove that they have a company union set up in the Canadian Westinghouse, and they have an office for which they do not have to pay rent. I am sure they will not give us one. They were set up six or seven weeks before we went in.

THE CHAIRMAN: The evidence has been in dozens and dozens of cases that management was not interested in any union until the International or some other unions started to organize and they showed great co-operation and enthusiasm for company unions. I do not wish to stop you, but what I am interested in is having time left at our disposal, because the Legislature is only going to meet for a couple of weeks more, with which to deal with this Bill. With the exception of one or two cases—and I may quote one of this morning—employers have not approved of collective bargaining, but Mr. Cook, as an employer, came in and approved of collective bargaining. He said they had it throughout the whole of the clothing industry. He said he was tickled to death with collective bargaining. With that exception practically all the representations we have heard here for the last week, or possibly the last two weeks, have consisted mainly of repetition of what we heard the first week. I do not wish to stop anybody, but, if they wish to go on and we are not able to have the time to make a recommendation to the Legislature, do not blame us.

THE WITNESS: Several weeks ago—I believe it was the first or second day you sat here—members of the company union were going to the members of our union and saying, “Well, we have been down to Toronto, we scuttled the Bill, and we have finished the C.I.O. off.”

THE CHAIRMAN: Did they give evidence here?

A. I do not know. They came down here.

Q. You know, you cannot stop people from talking.

A. No. I thank you.

THE CHAIRMAN: Thank you.

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THE BOARD OF TRADE OF THE CITY OF TORONTO

J. S. D. TORY, K.C., sworn. Examined by MR. FURLONG:

Q. Mr. Tory, you are solicitor for the Toronto Board of Trade?

A. Yes.

MR. FURLONG: Mr. Chairman, I do not think he needs any further introduction.

THE WITNESS: Mr. Chairman and members of the Committee, with your permission I would like to present this brief on behalf of the Board of Trade of the City of Toronto. It has been carefully prepared by us and represents the views of our membership. I think that by reading it, it would be more helpful if you would permit me to do so.

THE CHAIRMAN: Q. Is there anything new further than what has been given to the Committee before?

A. We are trying to be constructive with some suggestions and I hope you will find it so.

“The Board of Trade of the City of Toronto was incorporated by an Act of the Legislature of the late Province of Canada passed in the year 1845. The first and paramount object of the Board, as stated in its Charter, is

“To promote and/or support such measures as, upon due consideration, are deemed calculated to advance and render prosperous the lawful trade and commerce and to foster the economic and social welfare of the City of Toronto in particular and of the Province of Ontario and Dominion of Canada in general.

The membership of the Board as of March 11, 1943, stands at 2,503, of whom 2,345 reside in the City of Toronto and District and 158 elsewhere,



for the most part in points throughout the Province of Ontario, with a few throughout the Dominion. Such membership represents a cross section of industrial, commercial and professional life, being comprised of many different activities of which the principal ones, alphabetically listed, are as follows:

Advertising Agencies, etc.,  
Amusements,  
Associations and Public Officials,  
Bankers,  
Building Trades,  
Financial Companies,  
Grain and Grain Products,  
Insurance,  
Loan, Trust and Mortgage Companies,  
Manufacturing,  
Mines,  
Professional Men,  
Retail Trades,  
Service Trades,  
Transportation,  
Wholesale Distributors,  
Miscellaneous.

While the bulk of the Board's members live in Toronto and its immediate vicinity, their experience is geographically much wider. There are a few of the many firms conducting a national or international business from the Toronto District which are not represented in the Board's membership. Consequently, the policies of the Board are not determined merely by its knowledge of local conditions, but reflect a broad experience derived from the transaction of business throughout the Province of Ontario, other parts of Canada and the international field.

It must be recognized that, representing as it does many different types of industrial, commercial and professional activity, the Board of Trade speaks for those who may have differing or varying shades of opinion on any subject. The views expressed in this brief are believed to be those of the majority of its members so far as ascertainable, but we would ask that the right be reserved to any of our members to speak for themselves regarding any point upon which there may be a difference of opinion.

At the outset, the Board of Trade desires to emphasize the importance of adopting some constructive policy which will contribute to the establishment and preservation of peace and goodwill in industrial relations. Social progress and development, of which industrial relations is but one element, is a matter of growth; and this should be an orderly growth having regard to the interests, not only of the immediate parties—employer and employee—but to the interests of the public. No policy which fails to take account of the interests of the community and the country at large can be said to be constructive. Therefore, in considering the matter of collective bargaining between employers and employees in respect of terms and conditions of employment, let us not regard them as bitter contestants, but as members

of one social body whose mutual advantage is in the orderly solution of any differences which may arise in the attainment of their legitimate and proper social and economic purposes and functions.

Let it also be said that there is no problem in this field which cannot be solved by men of goodwill and social consciousness, provided they have a true understanding of the part played by each in the scheme of things. The Board of Trade appreciates Labour's legitimate aims and aspirations. The combination of employees in their own interests, and for the purpose of improving their own economic position, is a laudable and proper purpose and is a true expression of democracy in action. But the exercise of power in any form is capable of abuse. Neither employer nor employee fears the constructive aims and purposes of the other, but the actions of a few may prejudice the cause of each. We do not believe that there is inherent opposition between the aims and purposes of employer or employee when properly understood in relation to the functioning of society as a whole, and we flatly reject the view held by some that the development of industrial relations must be marked by strife, jealousy, fear or suspicion. Our task is to unite in the common cause for victory and the securing of a lasting peace in which Canada will be the most desirable place on earth to live and work. Our plea is for mutual understanding of the common industrial problems.

Many of the representations before this Committee have urged that the Legislature should take a short-cut to industrial peace to avoid in this Province the century of turmoil and strike which has characterized the history of trade unions in Great Britain. Certainly that is desirable if it can be done by legislation. But let it not be forgotten that while much can no doubt be accomplished in that manner, it is true that out of the growing pains and the adolescent turmoils which characterized the youth of the Labour movement in older industrialized societies has come experience, stability and understanding, both political and economic, which has resulted in voluntary collective bargaining in Great Britain as a generally accepted practice by employers and employees alike, without any legislative compulsion."

Q. Why is that not so in Ontario?

A. Well, we are going to try and deal with that when we come to one of my points further down. Please bear with me and let me go on with this.

Q. All right.

A. With your permission I will continue.

"Sincerity of purpose and demonstration in practice of the reasonableness of their respective aims, having regard to the interests of the other members of society, will do more to accomplish the ultimate purpose of industrial peace than any legislation can do.

While it may be possible to short-cut the path to maturity by means of education, it may be no more possible to legislate wisdom and maturity

into industrial relations than it is to legislate that advanced state of mind and heart into young people; for in this Province we are still young in our industrial growth and development. Any legislation with respect to collective bargaining should, therefore, be defined in general terms to permit growth in industrial relations as well as adaptation to varying conditions.

A constructive policy, then, would promote orderly growth, "make haste slowly," and keep in mind the views of the sound and progressive "middle of the road" man—employer and employee alike—who is neither reactionary nor militant. Above all, let us not mistake for cancers in our social body what are nothing more than growing pains."

THE CHAIRMAN: Labour pains.

THE WITNESS: Well, perhaps we can give birth to something on the basis of this, Mr. Chairman.

"The views of The Board of Trade on specific points arising out of the discussion of collective bargaining may be put as follows:

1. We are in favour of the principle of collective bargaining between employer and employee. Over a period of years this policy has voluntarily been followed by many of our members, with mutually advantageous results, and it is strongly urged that nothing should be done which will have the effect of impairing, retarding or destroying in any way the progress which has already been made in this field of voluntary negotiation. The present state of industrial relations is strong evidence of the desirability of retaining unimpaired a method of procedure with which most employers and employees appear to be satisfied. A good mechanic doesn't tamper with a part of his machine if it is running satisfactorily.
2. Having regard to the present legal status of trade unions as unlawful associations due to their objects being in restraint of trade and, in certain circumstances, constituting civil conspiracy, we are in favour of the removal of any such disability and of making trade unions lawful associations.
3. The right of employees to organize and form trade unions and to bargain collectively should be confirmed, thereby removing any doubts that any exist under the laws of this Province as to the legality of such common practices.
4. As regards immunity from legal proceedings, we think that while the individual must himself remain responsible for the consequences of his actions, trade unions and their funds might ultimately be given immunity from claims for damages or injunctions in respect of acts arising in the course of an industrial dispute, but that this immunity should be extended only to those responsible and representative groups which comply with the conditions hereinafter mentioned. Immunity from legal proceedings is an advantage not enjoyed by other bodies or associations, and is a class privilege not lightly to be conferred on those who fail to demonstrate that they can be trusted with such immunity.



It is true that immunity from legal proceedings is conferred on trade unions in Great Britain but an exception is made in the case of strikes which are declared to be illegal by the 1927 Act and the privilege is not unconditional. On the whole, we would prefer that the position enjoyed by trade unions in England should be reached gradually, step by step, as and when Labour, by its actions, demonstrates that it is sufficiently stable and responsible to be placed in that privileged category.

5. Any legislation which makes lawful the free association of employees in any form of organization of their own choosing should likewise preserve for them the right freely to choose whatever form of organization they deem most suitable to represent them when dealing collectively with management regarding matters of mutual interest. Much has been said to this Committee on the subject of so-called 'company' unions and the use of that term, without definition, simply confuses the issue. If any group of employees, in the exercise of their free right of choosing a bargaining agency, express themselves as being in favour of one organization as against another, no matter what its form, that is and should be their privilege, guaranteed to them by the legislation. We hold no brief for any organization of employees which is obviously dominated, controlled or unduly influenced by an employer, or for that matter, by any other person, but we insist that given freedom of association, employees should be absolutely free to join or not to join or form any type of employee representation plan or to prefer a shop council to any other type of organization.
6. Even those employers who voluntarily adopt the practice of collective bargaining often experience great difficulty in determining the proper representatives of their employees, and this difficulty becomes more acute and of much greater consequence if an employer is to be required by law to bargain collectively. Some simple and elastic procedure should be included in any such legislation, not only to settle this difficulty but also to dispose of rival jurisdictional claims as between unions and to determine the identity of the bargaining unit; that is, to settle which employees are to be represented and which, if any (due to difference in the nature of their occupation or lack of community of interest or otherwise), should not be so represented.
7. The mere fact that a large number of workers is employed by the same employer should not necessarily result in any one bargaining agency representing all of them and this involves nice questions of industrial relations which are difficult to formulate in a statute but which require to be dealt with by an administrative body. Certain tests should be indicated in the legislation to provide a guide in cases where employers and representatives of employees may disagree on the determination of the identity of the bargaining unit. For instance, particular categories of employees might be excluded because of their lack of community of interest with other employees based on differences in the nature of their work or wages, or other working conditions, as well as the desires of such group or its eligibility for membership in the organization involved and the existence or non-existence of collective bargaining agreements which have separately identified any group of employees in the past.

8. If any organization purports to represent the majority of employees in any bargaining unit, and the employer is agreeable to accepting them as such, then, in the absence of any dispute or claims by other organizations to be entitled to represent the same bargaining unit, the employer and the first organization may proceed to enter into negotiations for a collective agreement.

If the claim of the first organization is disputed, either by the employer or by any other group or organization, the question should be referred to some administrative body or authority who would then certify not only as to the true representative, but also as to what employees are represented. This would not necessarily be by the taking of a supervised vote, but might be by analysis of the proven membership of the organization checked with the employer's payroll, or otherwise.

9. So far, we have been concerned only with the employer who agrees voluntarily to bargain with the representatives of his employees. What of the employer who, for his own reasons, perhaps based on unfortunate past experiences, refuses to bargain collectively? On this critical issue there is some difference of opinion among our membership, but on the whole, we are prepared to state that The Board of Trade has no objection to legislation requiring an employer to bargain collectively with his employees through representatives of their own choosing who are prepared to satisfy some impartial administrative body, with experience in the field of industrial relations, that they truly represent the majority of the employees within a unit ascertained by such administrative body to be appropriate for the purposes of such collective bargaining, provided that such representative organization is prepared voluntarily to register (not to be incorporated) in some simple manner subject to no onerous requirements and without being called on to disclose, except to their own members, their financial position, and provided that, having entered into a collective bargaining agreement with such representative organization, the employer shall be ensured of peaceful labour conditions in his plant, free from agitation on the part of any minority, organized or unorganized, during the life of such agreement."

MR. NEWLANDS: Q. You could not guarantee that the employer would not have any grievances with the minority in the plant.

A. My recommendation is that during the period of an agreement if you have the 51 per cent vote, the minority shall withdraw for the period of the collective agreement entered into. I am saying it is fair and reasonable, if we are taking the position that we do not object to being required to bargain collectively, that we should be ensured of some reasonable chance of operating during the period of the agreement into which we have entered without the 49 per cent, or whatever the other minority is, continuing the agitation until the agreement comes up for renewal.

MR. FURLONG: That is, during the life of the agreement?

A. Yes, during the life of the agreement.

THE CHAIRMAN: What I am anxious about is to have enough time for the Committee to sit around and come to some conclusions. I must say, as I said to the last witness—and, mind you, I am not criticizing you or the last witness, because you have not been here all of the time—but here are six pages of a brief which have already been presented to us and I think I can say, without any fear of contradiction, that every point so far made has been presented to this Committee at least ten or fifteen times.

THE WITNESS: I did not know it had been presented to the Committee by representatives of a group such as the group I represent. I would have thought the presentation of this group would be helpful, coming from the people The Toronto Board of Trade represents.

THE CHAIRMAN: Other people have made exactly the same arguments in ten or fifteen different ways. There may be something new in the last four or five pages, but as far as you have gone, and we have followed you closely, word for word, we have heard all of this before. We have heard these arguments presented ten or fifteen times so far.

MR. I. L. G. DAYMOND: Q. During the course of the reading of your brief, you mentioned that in past labour relations between management and employee they had been on very good terms. Do you as a representative, or does the Board of Trade here in Toronto, honestly believe that labour relations between employers and employees in this country have been on good terms during the past few years?

A. We are hearing about the cases in which there are complaints. You are not hearing before this Committee of the many employers who have voluntarily agreed to sign agreements and who have perfectly satisfactory relations.

THE CHAIRMAN: The evidence of the people representing labour organizations would seem to admit the majority have been, but it is the minority with which we have been dealing since we started hearings here. Labour has not said that the majority has not been broadminded and fair. It has said they have been. In Windsor they have said they have collective bargaining agreements with unions, everyone of them.

THE WITNESS: Is that not an answer to the question I have been asked?

MR. DAYMOND: Q. Do you believe that labour relations in this country are good?

A. I do, yes, generally speaking. There are exceptions, of course.

MR. DAYMOND: Here we have in Hamilton nine or ten applications for boards of conciliation.

THE CHAIRMAN: The evidence before this Committee is that Hamilton is probably the spot which has not been cleared up.

MR. DAYMOND: I think surely the Board of Trade in Toronto, representative of all walks of life, should have some idea of what is going on in Hamilton and other parts of this province.



THE CHAIRMAN: There is not much difference between you and the witness. I think you will agree that the majority of the employers have been dealing fairly with the unions, the same as the witness, but it is the minority which is causing the trouble.

MR. DAYMOND: I cannot see that minority.

THE CHAIRMAN: We are only taking the representations of labour for it.

MR. FURLONG: Do you not think Mr. Tory should proceed?

THE CHAIRMAN: Yes.

THE WITNESS: Thank you.

"It does not appear to us reasonable to require any employer against his will to bargain or negotiate with anyone who is unwilling or unable to satisfy these elementary requirements.

10. What constitutes sufficient representation to require collective bargaining by an employer should not be less than 51 per cent of the employees in the appropriate bargaining unit. The administrative body which determines these questions should have discretion to take into consideration more than the mere support by an employee, who has nothing to lose, of a bargaining representative who has held out to him promises or hope which are impossible of attainment in all the circumstances.

We are not satisfied with the practice which has developed in this province, particularly with respect to taking votes in industrial plants to determine whether or not employees have selected a collective bargaining agency, and if so, the identity of the agency. Instances are reported where unions claiming as members of their organization less than 20 per cent of the eligible employees in a plant have demanded and obtained a poll of the employees, and the ballot which has been presented to such employees has merely asked them if they were willing to allow the applicant union to represent them in negotiations with the management. No proper alternative choice is given to such employees, and the voting employees are not even asked to accept responsibility in any form or to any degree, for the actions of such union."

THE CHAIRMAN: We have had a lot of discussion about the question of ballot.

THE WITNESS: I would like to see that. I am not talking about that kind of ballot.

THE CHAIRMAN: There have been unfair ones, too.

THE WITNESS: Right.

"It is hardly possible that a majority of employees would refuse to give a union the opportunity to bargain with the employer on their behalf under such circumstances.

While it is easy to condone or excuse the existence of such makeshift methods by Government agents or officers who are operating under difficult conditions, without any proper guides or rules laid down by any authority to govern their conduct, we should be careful not to accept, without close examination, such practices as satisfactory for the purposes of any collective bargaining legislation.

It should be noted that the practice with respect to these industrial elections is not uniform by any means, and that usually the form of the ballot and the general terms of the election procedure are settled by agreement between the contending parties, subject to the control or guidance of some official of the Government whose primary concern is, of necessity, that of bringing about, as speedily as possible, a peaceful solution of what is either an industrial dispute, or a situation which is likely to develop into an industrial dispute.

If an employer is to be required to bargain collectively, then some more satisfactory method of determining the collective bargaining agency must be devised, and we suggest that it is only reasonable and fair that it should be provided that a union is not entitled to require an employer to bargain collectively until it has been established beyond question that such union represents, by virtue of bona fide membership in its union, at least 51 per cent of the employees eligible to become members; and furthermore, that if a union becomes the collective bargaining agency as a result of any proceedings had or taken under the legislation, that its position as the representative of the employees should be confirmed for a definite period of at least one year, and that any unsuccessful candidates for the position should be required to leave the successful candidate and the employer free to carry on negotiations, and to complete and perform agreements resulting therefrom for a reasonable period—we suggest at least one year.

All of these restrictions and safeguards, which we think are essential, can be made effective if our suggestion is adopted as to voluntary registration of unions, and the restriction of collective bargaining rights to registered unions only.

11. So far as concerns the subject matter of the collective bargaining negotiations, this should include any questions relating to wages, hours or other conditions of employment, or the regulation of relations between employers and employees, and we recommend that arbitration of grievances arising out of the agreement itself should be mandatory. We also recommend that when collective bargains are made they should be reduced to writing and signed by the employer and the representative of the employees.
12. We have no objection to making illegal the so-called "yellow dog" contract by which, as a condition of employment or otherwise, an employer requires his employee to agree not to join a labour organization or trade union or, if a member, to resign therefrom or to contract himself out of the benefits of the legislation.

13. Some appropriate provisions should be made for the prevention of strikes and lockouts pending the settlement of industrial disputes.
14. We do not ask that labour organization or trade unions should be incorporated. Their form of organization should be a matter for the determination of their membership alone, but we suggest that it is a reasonable condition of being granted the benefits conferred by any legislation that there should be voluntary registration in some simple manner. As we understand it, registration has been objected to by some groups on the ground that it may lead to legal liability for damages or other financial loss on their part, or to disclosure of their financial position to employers, who would thus be able to ascertain their real strength in any contest. Our suggestion would meet these objections by expressly conferring immunity as a result of voluntary registration.

By registration, we mean only some simple form of identification of the union or labour organization, which would involve merely the filing of its Charter, if it is a chartered organization, or of its articles of association, if it is not chartered; the filing of its by-laws or rules so that its objects and methods of procedure are a matter of public record; and the filing annually of a list of the officers authorized to represent it, together with some reasonable proof that it is a bona fide association of employees not obviously subject to the domination or control of any employer, association or other person. In the case of an international union, we suggest that there be two types of registration, one for the international, as such, with a statement of the number of local unions which it has chartered or otherwise constituted in the Province, the location of such locals, their business offices, if any, and the names of the officers through whom it normally conducts its business. Upon the formation of any additional locals, the same information would be required with respect to them; a separate form of registration for each local, as such. The certificate of registration should indicate on its face whether the local is chartered by an international organization or directly by one of the Congresses of Labour operating in Canada, or whether it has no such charter and is merely operating independently.

We feel that the spokesmen for the labour organizations fail to appreciate the amount of confusion which they have created in the public mind by their discussion of proposals for incorporation and registration and by their use of terminology with reference to trade unions which is confusing even to students of industrial relations. For example, the term C.I.O. is popularly applied to certain trade unions without any justification, merely because the organization spoken of is of the industrial, as distinguished from the craft, union type.

15. Any legislation should specifically provide that nothing therein contained shall detract from or interfere with the right of an employer to suspend, transfer, lay off or discharge employees for proper and sufficient cause. Nothing is more harmful in industrial relations and the efficient prosecution of the war effort than an attitude which, unfortunately, is sometimes found among certain people who profess to follow trade union philosophy, that they can shirk on the job or not put forth



their best efforts because the employer does not dare discharge them for fear of proceedings being brought against him or agitation being stirred up on a charge of anti-unionism and discrimination.

16. The question of enforceability of the agreement is difficult because even the imposition of heavy penalties cannot, in the nature of things, be an adequate substitute for any element of good faith which may be lacking and, while public opinion is more or less effective in the event of breach of any of the provisions of a collective bargaining agreement, or of infringement or non-observance of any of the rights conferred by collective bargaining legislation, we think that appropriate penalties should be imposed upon the defaulting party. This would include penalties for intimidation, threats or coercion by an employer or by any other person with a view to interfering with the employees' freedom of choice, either to join or not to join a labour organization, or to participate or not to participate in trade union activity. In the case of breach by labour organizations or trade unions which have voluntarily registered in order to obtain the benefits conferred by the legislation, such registration should be subject to cancellation, with consequent loss of privileges conferred thereby.
17. In endeavouring to recommend a constructive policy to this Committee we have sought to avoid recrimination as to alleged unfair Labour practices by either side; but if this Committee feels called upon to recommend that this subject be specifically dealt with, we would ask you to bear in mind that there are two sides to that question.
18. The question of administration is closely connected with the question of enforcement. In our opinion the adjustment of industrial relations is something which cannot satisfactorily be handled by the courts but must be referred either to the Department of Labour or to an independent commissioner or an Industrial Relations Tribunal. We think that the daily administration of the Act might well be referred to the Department of Labour, with an appeal to an Industrial Relations Board or Tribunal composed of, say, five members.

We would suggest that the Board or Tribunal be composed primarily of persons who represent the interests of the general public and that there be a representation of employee and employer interests thereon. Appeals to the Courts from such Board or Tribunal (on questions of law only) should be provided for.

19. Any collective bargaining legislation should be in conformity with the war controls exercised by the Federal Government over employers, labour and manpower generally, wages, prices, and the freezing and curtailing of civilian trade and industry. This situation is sufficiently complicated now without introducing further elements of confusion.
20. Any legislation should be so drafted that employers will not be involved in conflicts of jurisdiction between the Ontario enactment and measures of the Dominion or another Province. The Dominion measures in mind are the various Wartime orders which touch directly or indirectly on

employer-employee relations. With respect to measures of another Province, the Board has in mind the complexities which may arise under varying legislation in different Provinces for firms which operate in more than one Province, especially where an inter-Provincial movement of labour is involved. The legislation should not produce any substantial lack of uniformity among Provinces in employer-employee relations or responsibilities; otherwise there might be a shift of industry to other provinces to the detriment of Ontario.

Our position, in short, is . . .”

THE CHAIRMAN: “In short.”

THE WITNESS: I have waited since eleven o'clock this morning. I am sorry if we are imposing upon the Committee.

THE CHAIRMAN: It is all right.

THE WITNESS: Then, I will continue.

“Our position, in short, is that while we are not unduly disturbed by what may be characterized as growing pains in our industrial relations, we feel that it will contribute materially to even more harmonious relations between employers and employees than now exist by recognizing the reasonable claims of labour, subject only to what we submit are reasonable and proper safeguards and limitations designed to prevent abuse. The object must be to provide an improved and useful medium for the advancement of industrial relations as an integral part of our social and economic development and not merely to provide a weapon for any militant group or groups who might in some circumstances be tempted to over-reach themselves, thereby bringing down on the heads of all of us the wrath of the public at large, who impose the ultimate sanctions underlying any social legislation.

In conclusion we wish to affirm our belief in the principle of collective bargaining. It is only against the possibility of abuse and the fear of abuse that we need to guard. Public opinion will in the end be the determining factor and over-reaching on either side is a short-sighted policy. The world is not a bed of roses for either the employer or the employee and the important thing—more than any legislation—is some understanding and appreciation by employers and employees of their respective aims and problems, looking to an ultimate close partnership in industry. Let us try to pull together and remember that, even in the alphabet, ‘U’ for Unity comes before ‘V’ for Victory.

We have endeavoured to be constructive in our suggestions and wish to thank this Select Committee for the opportunity of being heard on this important subject. We stand ready and willing to co-operate in any way which you may suggest.”

MR. HABEL: Very good.

MR. HAGEY: Yes, very good.

MR. FURLONG: It is very constructive, thank you, Mr. Tory.

MR. FURLONG: The next business is the hearing of the representations of the Ontario Mining Association.

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ONTARIO MINING ASSOCIATION

N. F. PARKINSON, sworn. Examined by MR. FURLONG:

Mr. Parkinson, you are secretary of the Ontario Mining Association?

A. Yes.

Q. And, I take it from this, you live in Toronto?

A. I do.

Q. Is this association a voluntary association?

A. It is a voluntary association.

Q. How many members has it

A. There are fifty-two member mines.

Q. Metal companies?

A. Metal companies, yes.

Q. All right.

A. May I have the privilege of reading this short brief?

THE CHAIRMAN: Yes.

THE WITNESS: It is quite short.

"The Ontario Mining Association, with headquarters in Toronto, is an Association of mining companies, fifty-two in number, employing approximately 26,000 workmen. Practically all the producing base and precious metal mines in the Province are members of our Association, which is a service bureau interested in the problems of the Mining Industry.

We therefore present this short brief on behalf of the Industry as represented by our Association.

The lot of mine employees in Northern Ontario is such that, without fear of contradiction, they may be described as the happiest group of miners in all the world.



The accident record of Ontario mines will compare favourably with that of any other similar group in any part of the world.

The wage rate is high and the highly skilled ambitious man is permitted to contract on a generously fair basis. In peacetime the rate paid by mining companies in Northern Ontario eliminates any real competition from other phases of industry. The operating heads have never taken advantage of a surplus of labour to reduce the rates of compensation paid their workmen.

Where the financial position of mining companies permits, unusually fine means of recreation have been provided. The Porcupine Community Building provided by McIntyre Porcupine, for example, has no equal in this country.

Now this happy condition has been provided not by agitation and strife. It has been a contribution from the companies whose Directors and Supervisory Staff have been imbued with the principle of the Golden Rule, and in part has followed representations and discussion with representatives of employee committees.

In many mines, but not all, committees of the men have been organized for the purpose of discussing anything of mutual interest and they have functioned and are functioning without friction and to the entire satisfaction of all concerned.

Now, Mr. Chairman, two is company and three are a crowd.

In most of the mining areas there is a nucleus of an International Trade Union. These unions have been knocking at the door of the mining industry since the early days of Cobalt, and, speaking generally, they have been refused admission. In the last 36 or 37 years there have been two major strikes in Cobalt, one in Porcupine, and another in Kirkland Lake. The results of all these strikes have been the same. The companies have lost money and the men, union or non-union, favourable or unfavourable, to the strike, have suffered grievous loss. In each case the men came to work having gained nothing in rates of pay or working conditions. The community always suffered and especially the tradesmen who extended credit where distress was evident. To-day, more than a year after the termination of the Kirkland Lake strike, the Union responsible for that strike owes local tradesmen something like \$20,000.00.

To accept the principles involved in recognition of these International Trade Unions would, in the mining camps, be an invitation to trouble and continuous turmoil. In substance, it would mean that we were exchanging a condition of harmonious co-operation for one of agitation, bickering, negotiating, and perhaps strikes. It just could not be helpful and would undoubtedly be harmful."

I beg Mr. Tory's pardon in using almost the same quotation.

"Where a piece of machinery is operating efficiently, the experienced mechanic will advise *always* to leave it alone.

We respectfully submit that the times we are now passing through are abnormal in many ways. More than 5,000 Ontario miners are in the fighting forces, most of them will some day be back. Similar conditions must exist in other industries. Employers are obliged to reinstate their former employees if it is their desire to be so reinstated, except under certain conditions. We question the advisability of disturbing the present conditions of employer-employee relations till the boys come home and have their say. Is it fair to do otherwise?

The mining companies do not require the assistance of outside trade union organizations. The fact that only a very small minority of their employees are members of International Trade Unions would suggest that, generally speaking, they, the men, do not desire their assistance. Why then should they be forced upon the employees and management of this Industry, and what should the public expect if they, figuratively, tie two cats' tails together."

MR. FURLONG: Thank you, Mr. Parkinson.

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MR. FURLONG: Next, I understand Mr. B. Laskin desires to make some further representations on behalf of the Canadian Congress of Labour.

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#### CANADIAN CONGRESS OF LABOUR

B. LASKIN, sworn. Examined by MR. FURLONG:

Q. You represent the Canadian Congress of Labour?

A. I am appearing for the Canadian Congress of Labour. May I assure the chairman and the members of this Committee that I will only be a very few minutes.

The members of the Committee must, in the light of the evidence presented to it, during this sittings, give organized labour due credit for the unanimity of their various spokesmen relative to the principles which they would like to see incorporated in a collective bargaining Bill. The problems which they have put before you are not the outcome of abstract contemplation. All the representations which they have made stem from their experience, sometimes bitter in actual cases.

THE CHAIRMAN: I am sorry to interrupt, but for whom is Mr. Laskin appearing?

MR. FURLONG: Mr. Laskin asked for the privilege of summing up on behalf of the Canadian Congress of Labour. He will only take a very few minutes, Mr. Chairman.

THE CHAIRMAN: Very well.

THE WITNESS: As I have said, all of the representations which they have made stem from their experience, sometimes bitter in actual cases. Their very unanimity is eloquent testimony for this Committee on the necessities of the situation.

I desire to enlarge merely on one or two points. Our economy or industrial civilization is no longer based on a single shop system. All persons in industry are affected by the prevailing rates of wages, and all are affected by the prevailing industrial processes. Also, all are affected by the principle of collective bargaining and our submission is that it is important that this principle be made a common rule for industry, that it may equalize the conditions under which employer-employee relations are conducted. When it is said that the principle of collective bargaining is acceptable by all, we must be realistic and enquire if the implications of that principle as a functioning process are generally observed. What these implications are have already been pointed out to you by the briefs submitted by the two Congresses and by various other labour and citizen groups.

The scope of a proposed collective bargaining Bill in the sense of employer coverage has bothered some members of the Committee and some of the spokesmen who have appeared before it. May I say that no employer should be exempt merely because he has a small working force or even if he employs only one person. While it is true that you cannot have collective bargaining between an employer and his only employees there might be hundreds of employers of that kind and then hundreds of employees ought properly to be afforded an opportunity to practise collective bargaining with their various employers. I can point to the barbering industry as an illustration of my point.

The question of company unionism vs. independent unionism has been causing some difficulty during these hearings. I do not think that anyone will dispute the fact that collective bargaining and company unionism are incompatible notions. If it is accepted that employee organization must be free of employer influence, domination or support, it should not be an insuperable task for any organization of employees claiming to be independent to prove its independent status to the satisfaction of those who will administer the proposed collective bargaining measure.

Another question which has been raised is whether an employer should not be allowed to propagandize his employees in favour of a plant union or other employee organization. It has been asserted that to deny to the employees this right would interfere with his freedom of speech. Our law, however, is full of examples of restriction of freedom of speech in the interests of a paramount public policy. So, too, if collective bargaining Bill guarantees employees freedom to organize and compels an employer to bargain collectively with all of his employees the public policy behind such a Bill may well prohibit an employer from asserting that freedom of speech enables him to frustrate that policy. It would be surprising, indeed, to find a principle such as freedom of speech put to such unusual use.

Now, Mr. Chairman, and members of the Committee, when Mr. Mosher and Mr. Conroy appeared before you they begged leave to submit further material if it should be necessary. They have submitted some material to Mr. Elroy Robson, who is the regional director of the Canadian Congress of Labour.



Mr. Robson will present this material to you. I think he intends to file it with you. Before I sit down, I wish to make one short observation. It has been brought to my attention that certain statements made this morning relative to the financing of the Kirkland Lake strike might cause, or at least might lead the members of the Committee to take an untrue view of the situation. I have here some material which I would be very glad to file with you. These documents are statements of the contributions to the Kirkland Lake strike fund.

There is the main and the supplementary statement. These statements indicate that the expenditures during the strike amounted to slightly over \$175,000. Of that amount most of the money has already been paid up to any creditors who extended credit to the Kirkland Lake strikers and the unions which were supporting it. The International Union of Mine, Mill and Smelter Workers, itself, contributed well over \$32,000 to pay off the indebtedness which was incurred.

THE CHAIRMAN: I do not think we are interested in that, Mr. Laskin. It has nothing to do with collective bargaining.

THE WITNESS: I would be glad to file it with you anyhow. I would be very glad to have you accept it.

EXHIBIT No. 176: Letter from Pat Conroy to the Affiliated and Chartered Unions, Labour Councils and representatives of the Canadian Congress of Labour, and statement of contributions to the Kirkland Lake Strike Fund to March 31, 1942.

MR. FURLONG: Q. Mr. Laskin, before you leave, it has been said here by someone that if collective bargaining becomes compulsory it may interfere with returned soldiers after this war getting back their jobs. Have any of your organizations for whom you act any objection to a clause going into this Bill, or, if we do have a Bill, providing that any returned soldier shall be assured of the return of his old position whether or not he was a union man?

A. I think I would say that certainly the organized labour movement would not have the slightest objection to anything of that sort. Thousands of trade unionists are overseas and most of them retain their union membership in good standing during that time.

Q. I think that clears up that question very nicely.

A. With your permission, Mr. Elroy Robson will present a brief. I do not think it will take very long.

ELROY ROBSON, sworn.

It was not my intention to read this brief, gentlemen, but since I have heard your admonitions to those who have appeared ahead of me, I am certain now, I will not. The Congress officers asked me to come here for them and present it. With your permission I would like to file it. I will hand copies to the Committee and ask that it be included in the record. Is that acceptable?

THE CHAIRMAN: Yes. Thank you very much.

PRESENTED BY ELROY ROBSON, ESQ.,  
ON BEHALF OF THE CANADIAN CONGRESS OF LABOUR:  
MEMORANDUM ON COLLECTIVE BARGAINING

Submitted to the Select Committee of the Ontario Legislature by the  
Canadian Congress of Labour.

Mr. Chairman and Members of the Committee:

In accordance with the undertaking given by the undersigned officers of the Canadian Congress of Labour, when we appeared before your Committee on Wednesday, March 3rd, we are glad to submit in writing a brief resume of the statements made at that time, together with some further comments on the proposed legislation on collective bargaining now under consideration for the Province of Ontario.

In urging the Committee to recommend the adoption of such legislation the Congress does so because of the desirability of protecting an elementary right of the workers, and also because such legislation would, in the opinion of the Congress, definitely promote the public welfare by improving relationships between workers and employers, and thus bringing about greater industrial harmony and more efficient production. It is particularly important from the standpoint of the war-effort that the right to organize be protected in view of the fact that collective bargaining is an expression of democratic principles as applied to industry. The protection of their rights will increase the morale of the workers; it will also enhance their respect for government, and give them a feeling of pride in their status as workers. It is not too much to say that sound labour policies are essential elements of victory, and that the Ontario Legislature may make a highly important contribution to the cause of democracy and freedom by passing adequate legislation along the lines which have been suggested on behalf of the Congress.

COLLECTIVE VS. INDIVIDUAL BARGAINING

Collective bargaining is the primary purpose of a labour organization. It involves the joint determination of the terms of employment by an association of workers, on the one hand, and an employer, or an association of employers, on the other, acting through their duly authorized representatives. It substituted group action for individual action in negotiating, interpreting and enforcing agreements, and can be carried on most effectively through Labour unions which are wholly independent of the employer.

Collective bargaining is therefore the antithesis of individual bargaining. When an individual worker applies to an employer or a representative of an employer for a job, there is likely to be some discussion between them with regard to the wages and conditions of employment. In certain circumstances, the individual worker may be able to obtain through such discussion a higher wage-rate than the one originally offered to him, and this may be considered the result of individual bargaining. For the most part, however, the individual worker must accept the terms and conditions laid down by

the employer, simply because the employer does not need any particular worker, and there is usually an ample supply of labour. Furthermore, the worker's needs for the wages which his job will provide is vastly greater than the employer's need for the particular worker, and as a result the worker is naturally at a serious disadvantage. His labour is a perishable commodity, which he must sell from day to day in order to maintain himself and his dependents. The loss of a day's labour is ordinarily a disaster. The employer can afford to wait for a worker to accept the conditions he lays down; the worker cannot wait for the employer to give him what he thinks he ought to receive. From the standpoint of experience, of knowledge of labour conditions and in every other respect, the employer has such an advantage that one is scarcely justified in using the term "bargaining" at all in connection with the relationships between the individual worker and the employer.

### A STABILIZING FACTOR IN INDUSTRY

Collective bargaining has made considerable progress under modern industrial conditions, especially where large groups of workers are employed, because individual bargaining was found to be of little or no value to the workers. Much criticism has been levelled at labour organizations because of strikes. However, in the industries where collective bargaining has been widely accepted, and is most firmly rooted, such as on Canadian railways, and in the building industry, strikes are practically unknown. The same is true of the workers organized in the printing and clothing industries. Furthermore, a considerable proportion of strikes take place because of the refusal of an employer to recognize and bargain collectively with a union chosen by his employees as their bargaining agency.

### THE RIGHT TO REPRESENTATION

There can be no question as to the right of workers to organize for the protection and the promotion of their interests as workers any more than to the right of employers to join such a body as the Canadian Manufacturers' Association or the Canadian Chamber of Commerce. However, although nearly all employers admit that workers have a right to join a labour union, many of them refuse to negotiate an agreement covering wages and working conditions with representatives of the union, and they object particularly to dealing with representatives who are not themselves among the employees of the firm. On the other hand, such employers are almost invariably represented by legal counsel in negotiation, and it is obvious that the workers have an equal right to be represented by those who have had training and experience in such matters. The negotiation of an agreement is regarded as of primary importance by a labour organization, since not only are the terms of employment laid down clearly and in as much detail as may be necessary, but through sharing in the determination of wages and working conditions, the workers obtain a sense of partnership in the industry on a democratic basis. It is therefore essential that employers be required by legislation to negotiate with the representatives of the employees, whether or not such representatives are themselves employees.



## NO COMPULSION EXCEPT BY AGREEMENT

Since all the workers covered by a particular agreement benefit from it, they may properly be expected to become members of the union which obtains the agreement, and to share equally in the expense of maintaining it. Except, however, where an agreement between an employer and a union requires all workers covered by it to be members of the union, there is no compulsion upon any worker to join it. A labour union should be considered in the same light as a municipality or a nation in which a citizen is required to pay taxes for the support of communal or national activities. Governments have been established for the protection of the common interests of all citizens, and labour organizations are established by workers for a similar purpose. The will of the majority should govern in the field of labour organization as in the field of government. It is evident that the stronger the union becomes, in membership and finances, the more effectively it will carry on its functions. There can be no valid excuse for refusal to join a union, but some workers are unwilling to pay union dues or to accept their obligation to participate in its activities and thus promote the general welfare of the workers concerned.

## "COMPANY UNIONS".

With regard to shop committees, plant councils, or other associations of employees, commonly regarded by the labour movement as "company unions," the Congress wishes to confirm the statement already made to you that such bodies do not provide a proper basis for collective bargaining. In the first place, they are almost always dominated by the employer, directly or indirectly, and it is axiomatic that an employer cannot bargain with himself; he cannot sit on both sides of the table at the same time. Even in cases where the employer has not actively encouraged the formation of a company union, the fact that the officers of such an organization are employees of the firm, and therefore liable to be dismissed or discriminated against by an employer, makes it impossible for them to represent themselves and their fellow-employees effectively in dealing with the employer. As has been mentioned previously, the employer ordinarily has had considerable experience in the negotiation of contracts of various kinds, and is usually assisted by counsel, whereas the average worker has had no experience whatever in matters of this kind, and is unable to take an independent stand in opposition to the wishes of his employer. There can be in the circumstances no true collective bargaining with a company union, under whatever name it operates, and it may be assumed that wherever such bodies exist they have been established at the instance of the employer, with a view to preventing the formation of bona fide independent unions.

There is nothing new in the tactics of employers who are opposed to labour organization. In ordinary circumstances, employers discharge workers who actively participate in forming a union, but, in periods such as the present, when there is a shortage of labour, a favourite device is the establishment of a company union. A considerable extension of this practice has taken place since it became known that the Government of Ontario proposed to pass legislation which would protect freedom of association and collective bargaining.

## FRAUDULENT IMITATIONS OF LABOUR UNIONS

The objection of bona fide labour unions to company unions is that the latter are nothing more than fraudulent imitations of genuine labour organizations; they are quite incapable of carrying on collective bargaining, and they are deliberately used by employers to offset efforts to establish unions which will be independent of employers, and therefore in a position to protect the rights of the employees. A company union is therefore worse than useless from the standpoint of the employees, as they receive nothing through its operation which would not be given by the employer in any event. Actually, under a company union set-up, the workers obtain no benefits as of right, but mere concessions which may be withdrawn at the will of the employer. While there are no doubt some workers who are quite willing to accept benefits which do not cost them anything, except their independence and self-respect, there are many others who realize fully that the employer is endeavouring to delude them by setting up a company union instead of permitting them to organize freely in the union of their choice. There can be no attitude of mutual confidence in such circumstances, and no basis of harmonious relationships.

There has been a tendency in some quarters to minimize the importance of the labour movement, and to create the impression that a large number of workers are organized in company unions. While statistics are not available on this point, the Congress believes that the number of workers employed by firms which have established company unions is very small in comparison with those in which the firms are dealing with unions independent of the employer.

## THE UNITY OF LABOUR

It is obvious that the effectiveness of the labour movement in protecting the interests of the workers depends largely upon the numbers of workers whom it represents. It is therefore desirable from the standpoint of the workers as a whole that as many workers as possible should be organized in labour unions and co-operate through central labour bodies. This is expressed in the familiar slogan, "In unity there is strength," which applies to labour organization in the same way as to any other human activity. Consequently, the labour movement strives to promote the organization of workers in bona fide unions rather than in company unions, which are necessarily of an isolationist character. They have no common interest with one another since they are simply instruments of the employer, and the interests he has in common with other employers are presumably taken care of by the Canadian Manufacturers' Association or some similar body.

On the other hand, workers cannot be organized in genuine labour unions against their will, and no union can succeed unless it has the support of at least a majority of the employees in the particular plant or industry which is being organized. If a majority of any group of workers do not wish to be organized at all, or do not wish to replace their company union by an independent union, this is not a matter which can be remedied by legislation. A labour union is a democratic body which requires personal effort as well as financial support; its members must be willing to accept office and the responsibilities which office involves; they must be willing to attend meet-

ings, to discuss contract negotiations, grievances, etc.; and to fulfil as workers similar obligations to those which devolve upon them as citizens in a democratic community. All that may properly be asked for in the circumstances is that employers be prevented by legislation from encouraging the formation of company unions or interfering in any way with the freedom of their employees to establish whatever collective bargaining agency they may choose. This would mean in practice that an employer would be required to cease any domination of or assistance to a company union, and thus permit it to achieve independence or be replaced by a more effective form or organization.

#### UNION RECOGNITION

In many cases, however, while an employer does not object to his workers becoming organized in the union of their choice, and where he does not endeavour to set up a company union, he nevertheless, refuses to negotiate an agreement with the union, or even to discuss wages and conditions with the representatives of the employees. This has the effect of rendering labour organization futile, and denying the right of workers to protect and promote their interests by means of organization, a right which the employer himself uses freely in joining such a body as the Canadian Manufacturers' Association. In no case, so far as we are aware, have organized workers refused to negotiate a collective labour agreement with their employer simply on the ground that he was a member of the Canadian Manufacturers' Association, but there have been a number of cases where employers have refused to negotiate an agreement because their workers were members of a particular union.

In order to ensure to organized workers the right to bargain collectively with their employer, legislation making collective bargaining compulsory is essential; it would, of course, apply only to those employers who are unwilling to grant an obvious right to their workers, and who are therefore adopting an attitude which is wholly unjustifiable. No fair-minded and reasonable employer could be subjected to penalties under such legislation. It is obvious also that employers should be required to bargain collectively with the union which has been chosen by a majority of their employees as their collective bargaining agency, and that the workers should be free to choose any representatives they desire in negotiating an agreement. This right is freely exercised by the employer, and an employer who is unwilling to grant it to his employees may properly and justly be compelled to do so.

#### BASED ON PRINCIPLES OF JUSTICE

The request for legislation which would protect the right of workers to become organized in the union of their choice and to bargain collectively through it is based on broad principles of justice and fair dealing. A review of the history of labour organization indicates that this right has been increasingly recognized. When labour unions were first organized in Great Britain, they were regarded legally as conspiracies, and workers who endeavoured to organize them were severely punished. Gradually, however, both in Great Britain and on this continent, the workers have won respect for their rights, and these are now taken for granted in Great Britain and



protected by law in the United States. It has been suggested that Ontario should follow the British rather than the United States method of dealing with this matter, but such suggestions overlook the fact that the rights of the workers in Great Britain were won only through more than a century and a half of bitter struggle and industrial disruption. Why should it be necessary for Canadian workers to fight for rights which are now recognized in Great Britain? Surely we can profit by the lesson learned at such great cost by the Mother Country, and insist that employers follow present British practice rather than continue a state of chaos and civil war. This is not a matter of economic interests, but of human rights which certain Canadian employers deny to their workers. It is the function of government to protect those rights, and the Congress therefore urges that the Ontario Legislature provide the necessary legal sanction for their exercise, with appropriate penalties for infringement of them.

#### THE ARBITRATION OF DISPUTES

The Congress believes that every labour agreement should make provision for the arbitration of any dispute arising out of the agreement, that is, any difference of opinion with regard to its interpretation of application or any infractions of it by either party, which cannot be otherwise adjusted. It has been found in practice that such provisions lead to the prompt and amicable settlement of disputes which might otherwise lead to strike and lockouts.

#### DETERMINATION OF THE BARGAINING AGENCY

It is further essential that provisions be made for the determination in cases of dispute, of the collective bargaining agency which is the choice of the majority of the employees concerned. The legislation should therefore authorize the Minister of Labour, or his representative, to ascertain by vote or otherwise the wishes of the employees, and to require that the certified collective bargaining agency be recognized as such by the employer.

#### INCORPORATION OF LABOUR UNIONS

Suggestions have been made from time to time that labour unions should be incorporated or required to register with the Government. The Congress does not believe that any public interest would be served by the adoption of such a procedure, but on the other hand it has no objection to the requirement that Labour unions furnish to the Minister of Labour copies of their constitutions and by-laws and any other information which may reasonably be requested. Such legislation might also properly apply to associations of employers.

In conclusion, the Congress would like to point out that legislation of the character referred to is not likely to cause a sudden outburst of organizing activity; it is designed simply to remedy an obvious injustice, and to provide protection for rights which have been denied in the past by some employers. The mere existence of the legislation will no doubt be sufficient to change their attitude, in many cases, with the result that disputes arising out of refusal to recognize and bargain collectively with the union of the workers' choice will be reduced to a minimum. In any event, the Congress believes that your Committee realizes the desirability of taking action along the lines

which have been suggested by the Congress and by other labour organizations, and that your recommendations will be based upon not only the facts which have been placed before you, but upon the principles of justice and democracy which are involved in the proposed legislation.

Respectfully submitted

The Canadian Congress of Labour.

A. R. Mosher, President.

Pat Conroy, Secretary-Treasurer.

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MR. FURLONG: Mr. Chairman, the Automotive Transport Association of Ontario asked to be heard to-day, but instead of coming here they have sent this wire:—

“St. Thomas, Ont., Mar. 17, 1943.

W. H. FURLONG,  
Counsel, Collective Bargaining Committee,  
Queens Park.

Delayed at this point and regret inability to be present. As representatives of a vital part of Ontario commerce we are opposed to compulsory collective bargaining unless unions and their representatives are placed on a comparable basis with employers. That unions should be registered and compelled to file annual financial statements, constitution and by-laws and that they should be subject to legal proceedings for violation of agreements and that severe penalties should be provided for illegal strikes or stoppages. This we submit will tend to eliminate unfair practices amongst locals of unions and will place organized labour as a whole on a higher level.

(Signed) J. O. Goodman,  
General Manager

The Automotive Transport Ass'n of Ontario.”

THE CHAIRMAN: Who is he?

MR. FURLONG: Mr. J. O. Goodman is General Manager of the Automotive Transport Association of Ontario.

MR. MACKAY: They will not be here?

MR. FURLONG: They will not be here.

EXHIBIT NO. 177: Telegram, St. Thomas, Mar. 17, 1943, from J. O. Goodman, General Manager, The Automotive Transport Ass'n of Ontario, to W. H. Furlong, K.C., Counsel, Collective Bargaining Committee.

THE CHAIRMAN: I have a communication which has just come in from the National Council of the Young Women's Christian Association of the Dominion of Canada. They are in favour of Collective Bargaining.

It reads as follows:—

“March 17, 1943.

Major J. H. Clark,  
Chairman, Select Committee on Collective Bargaining,  
of the Ontario Legislature,  
Parliament Buildings,  
Toronto, Ontario.

Dear Sir:

The Committee on Women in Industry of the National Council of the Young Women's Christian Association of Canada has followed with interest the proceedings and hearings before this Select Committee of the Ontario Legislature, and at a recent meeting voted unanimously their support of legislation designed to make collective bargaining mandatory, and to eliminate unfair practices by employers which prevent the achievement of a true collective bargaining agency.

The Y.W.C.A., through its programme and activities, has served women and girls in Canada for the past seventy-five years. With the outbreak of war, new responsibilities have been placed upon us. We have considered it of special importance to meet the needs of the thousands of women and girls who have gone into industry at the urgent request of their Government. Consequently, this Committee on Women in Industry has been formed to correlate the work of the local Associations across Canada and to give study to the special problems facing employed young women and girls.

At the last National Convention of our organization, we placed on record our belief in the rights of labour to organize and to bargain collectively and pledged our support to that essential principle of democracy. Our present contact with young women employed in industry, many for the first time, many in communities new to them, has strengthened and confirmed us in our belief that the interests of the workers and the best interests of the community and our country in this time of war can only be served by providing legislation that clearly and unequivocally provides for the right of workers to organize in unions of their own choice and to bargain collectively. It is reasonable and just, in our opinion, that young women facing the hazards and difficulties of industrial work be protected by law from intimidation and discrimination by employers who would prevent them from joining organizations of their own choice.

Our Committee will continue to watch closely the action of the Ontario Government in respect to policy in the field of labour organization.

Respectfully submitted,

(Signed) Margaret Strong,  
Dr. Margaret Strong,  
Chairman, National Committee  
on Women in Industry.

(Signed) Margaret I. Kinney,  
Margaret I. Kinney,  
Executive Secretary, National  
Committee on Women in Industry.”



EXHIBIT No. 178: Letter, Margaret I. Kinney, Executive Secretary, National Committee on Women in Industry, to Major J. H. Clark, Chairman, Select Committee on Collective Bargaining, Parliament Buildings, Toronto, Ontario, dated March 17, 1943.

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MR. FURLONG: Is Mr. Beattie here? Apparently that is another organization we can cross off the list, Mr. Chairman.

That finished the business for this afternoon, Mr. Chairman.

THE CHAIRMAN: Then, we will now adjourn until 7.30 this evening.

Whereupon, on the direction of the Chairman, the Committee adjourned at 3.55 p.m. until 7.30 p.m.

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### EVENING SESSION

WEDNESDAY, MARCH 17, 1943

On resuming at 7.30 p.m.

#### THE ASSOCIATION OF PROFESSIONAL ENGINEERS OF THE PROVINCE OF ONTARIO

W. C. MILLER, sworn.

MR. FURLONG: Q. What position do you hold with that organization, Mr. Miller?

A. Immediate past president.

Q. How many members have you?

A. They are set out in the brief.

Q. All right, proceed with the brief.

A. "Mr. Chairman:

We represent the Association of Professional Engineers of the Province of Ontario. Associated with me are Professor G. B. Langford, Professor of Mining Geology at the University of Toronto, and Mr. J. H. Smith, Engineer with the Canadian General Electric Company, who are members of our Council, and I am the immediate Past-President of the Association. We have been authorized by our Council to appear before you to-night and to submit this brief."

THE CHAIRMAN: Does that include all kinds of engineers, electrical, mechanical, and every other kind?

A. Yes, sir.

"Last week, a submission was made to this Committee that any collective bargaining legislation introduced should include in its scope technical personnel. That is the only reason we are here and our presentation will take only a very few minutes of your very busy agenda.

Our Association consists of ALL professional engineers in this province who are permitted by law to practise and controls all recorded Engineers-in-Training. The Legislature, of which you are a Committee, has seen fit to enact that no one shall practise engineering in this province and assume the technical responsibilities for life and property which is the Engineer's concern unless he is registered with this Association. We are charged, among other things, with seeing that all those who are admitted to practise in this province are properly qualified. We operate in the same manner as the Law Society and the Medical Association. Our actions in the administration of the practice of Engineering in this province are subject to review in the courts if any affected person is not satisfied with the decision of the council in his case. Furthermore, your own Legislature is directly represented on our council. It is composed of representatives not only of practicing engineers but also of the Legislature since the Lieutenant-Governor-in-Council appoints one third of the councillors. Thus, the interests of the public are protected as well as those of the engineering profession.

Our Association represents the engineers in this province and is the only organization entitled to speak on behalf of those who may practice in this province legally. A professional engineer, that is, one commonly known to the public as a civil engineer, a mechanical engineer, an electrical engineer, a mining engineer, or a chemical engineer, who is not a registered member of our organization is not allowed by law to be employed in the engineering profession in this province. Thus, Mr. Chairman, our presentation is made on behalf of 2,845 professional Engineers, and 2,135 engineers-in-training who are recorded with us preparatory to their admission to practice, by the only organization that legally represents them.

The engineers in Ontario who are legally authorized to practise submit, through their council, which we represent here to-night, that in any collective bargaining legislation, Engineers in practice and in training do not wish to be included with any technical personnel who are not engineers. We submit that all those parties who may now legally call themselves Civil Engineers, Mechanical Engineers, etc., or practise as such, or who are Engineers-in-training, can work out their problems in their own way under EXISTING legislation applicable to them as a profession. We do not make any submissions at all with respect to the principle of collective bargaining. We are simply speaking for our own all-inclusive membership. In the event of this Committee recommending that collective bargaining legislation be adopted in Ontario, the engineers of this province, with the Engineers-in-training, speaking through the only organization that can legally represent them simply ask that they be excluded from the operation of any such legislation."

That, Mr. Chairman, is all we have to present to you unless anyone wishes to ask any questions.

## ONTARIO MILK PRODUCERS' ASSOCIATION

F. BRUCE SCOTT, sworn.

WITNESS: Mr. Chairman and gentlemen, first I would like to express on behalf of our organization our appreciation of this opportunity to present our views to you, in the hope that we may be of some assistance in the task you have to carry on.

"The Ontario Milk Distributors' Association is a voluntary organization whose membership includes a majority of the fluid milk distributors throughout Ontario and it is calculated that our members process and deliver over 75 per cent of the fluid milk consumed in the province. As an organization, we have served the industry for fifteen years, having at no time any control of any kind over any individual or firm in the industry.

Our Board of Directors are men of long experience in the Industry representing every type and size of operator from all parts of the province. Their objective is always the welfare of the Fluid Milk Industry as a whole, from the standpoint of Producers, Distributors and Consumers, whose interests are co-related.

Our purpose is always to promote a better understanding of the government rules and regulations throughout the industry and, by voluntary co-operation, to study and improve our methods and products as well as conditions within the industry.

Federal and Provincial government bodies recognize the Ontario Milk Distributors' Association as representing the majority viewpoint of the industry in Ontario and that is the basis of our desire to present our views to you at this time.

We believe our claim that our product is of vital importance to the national welfare is established by the fact that milk holds a most prominent place in the Federal Government's nutrition programme and, further, by the fact that the same government has provided a subsidy to the primary producers in the hope that production will be sufficient to meet all requirements, and a subsidy to assist consumers to purchase milk.

As an industry, we do not oppose the broad principle of collective bargaining, so long as it does not interfere with the freedom of the employee to decide whether or not he wishes to belong to an organization and, if he does, which organization he desires to join. To put it in another way, we are opposed to the principle of the 'closed shop'."

If I may interject here, Mr. Chairman, company organizations have been operating in a number of dairy firms in the Province over a number of years, and I am quite sure that the members of the industry are sincerely interested in the welfare of their employees. They have found that these company organizations have been very effective, particularly where the employees have the full say as to collective bargaining, and full jurisdiction in the operation of their organizations, and that is the case in a number of the companies in the Province.



"If the principle of the 'closed shop' prevailed among operators in the producing, processing and distributing phases of our industry, it would be compulsory for every producer to be a member of the producers' association before he could ship milk to a dairy and it would likewise be compulsory for every distributor to be a member of the distributors' association before he could secure a license from the government to operate, which would be on the same basis as the 'closed shop' for employees. We have always opposed this principle and feel that its adoption would be adverse to the best interest of the public.

Regardless of any other legislation your Committee may consider necessary, we believe that provision should be made to protect the public against strikes in this essential industry. A strike in any branch of the Fluid Milk Industry is a strike against the public because fluid milk is a perishable food and nutritionists consider its regular consumption essential for practically all homes. Milk is the only food for infants and many invalids. Any interruption in its processing and delivery may prove to be a serious menace to the health of these people.

The Fluid Milk Industry is a specialized industry handling a highly perishable farm product, the source of supply of which cannot be shut off in the same manner as in most industrial plants. Failure to process and deliver one day's supply of milk in a large city would represent a loss to the farmers of approximately \$20,000 for that day.

For the duration of the war any scarcity of milk supply will be a serious national problem and a strike in any phase of the Fluid Milk Industry affecting any of the markets in Ontario would so disrupt the regular channels of production, processing and distributing that there would be a large waste of this essential food which could not be avoided or replaced.

In submitting this brief it is our sincere hope that, in any legislation your Committee recommends to the Legislature, due consideration will be given to the importance of avoiding any unnecessary interruption in the supply of fluid milk to the public."

MR. FURLONG: Mr. Scott, how many associations have you in your body?

A. Well, we don't have a number of associations in our body. We are a provincial organization in which the individual distributor is a member, and then in each local market: for instance, Toronto, Hamilton, London, Windsor, Ottawa, there are local associations where there is a local secretary-manager who looks after the local problems of the industry. Their members are to a large extent members also of the provincial association, and quite frequently—in fact, almost always—whenever anything comes up in any local market which may be affected by provincial regulations, that is, that may affect the whole Province, these local secretaries and their associations deal with the Milk Control Board through the provincial association. Now, they are not part of it, if you get what I mean, but we are all working together. They are not what you would call direct members, yet the members of the industry who are members of these associations are in most cases members of the provincial association.

Q. Are the employees of the individual companies unionized?

A. In some cases.

Q. What unions are they?

A. I couldn't tell you that.

Q. Are there any of the international unions?

A. I really could not answer that, but I know there are some unions.

Q. Apparently they function without any difficulty with regard to your association or the provincial laws?

A. The association so far has not taken any part in the labour relations, as it were. Those are matters which an individual company looks after itself. But in this case it was felt we should present to your Committee the views of the industry, particularly with regard to the possibility of interruption in supply.

MR. FURLONG: Thank you.

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EMPLOYEES MANAGEMENT CO-OPERATIVE PLAN OF THE BORDEN COMPANY

JOHN B. ARMSTRONG, SWORN.

WITNESS: Mr. Chairman, gentlemen, on behalf of the representatives which this Association represents, I would like to present this brief to you from the men of the Borden Company:

"The undersigned do hereby submit the following brief in support of collective bargaining through what are sometimes called Company, or Independent Unions.

This presentation is made at the specific request of the employee's Local Committee Chairman, of The Borden Company Limited, attending a council of chairmen meeting, at Toronto, on Wednesday, March 10th, 1943—each such Chairman being duly elected by and from the rank and file of employees of the Company in the Province of Ontario.

Since 1930, employees of The Borden Company Limited have had collective bargaining with the Company through employee representation plans. Such plans provide for monthly mass meetings of employees, with their duly elected employee committee men, to discuss and recommend changes in working conditions.

Proposed changes in working conditions are considered by a joint conference committee consisting of an equal number of employee and management representatives.

The decisions arrived at by the joint conference committee, to become effective, must receive the approval of the management and the employees involved. In the event a satisfactory solution cannot be arrived at by the employees and management then arbitration is provided. The arbitration committee consists of three members—one selected by the management, one selected by the employees and these two select the third member.

Should the employee and management representative fail to agree on the third member, the Provincial Department of Labour is asked to select a third member from its Department. Decisions rendered by a board of arbitration are final and binding on the employees and the management."

MR. MACKAY: Did you say further back that you had collective bargaining now with your group?

A. Yes, sir.

"Since the beginning of these plans, matters which have been considered and satisfactorily settled, include such important items as wages, hours of work, vacations and many other working conditions.

The workers, whom we represent, are the only one's qualified to determine the sincerity of purpose of our employee representation plans and the method they provide for collective bargaining. They have supported the plans for more than twelve years.

Recently, in the City of Windsor, when the question of 'who should represent the employees, the Employee Representation Plan or an outside Union?' was put to a secret vote, supervised by a member of the Ontario Government, Department of Labour, the employees voted more than two to one in favour of the Employees Representation Plan."

Gentlemen, here I have the official record by the Provincial Government:

"DEPARTMENT OF LABOUR

Office of

THE CHIEF CONCILIATION OFFICER

February 23, 1943.

Mr. G. W. Ballintyne,  
Borden Co. Ltd.,  
Windsor, Ontario.

Dear Sir:

The vote conducted in your plant on Thursday, February 18, 1943, resulted as follows:

'Do you want to bargain collectively with your employer through the employees management co-operative plan?.. 64



or

Do you want to bargain collectively with your employer through Windsor Milk Drivers & Dairy Workers Union, chartered by the Canadian Congress of Labour affiliated with the C.I.O.?'.....	30
Spoiled.....	0
Total.....	94

Yours Truly,

(Signed) Geo. L. Fenwick."

MR. FURLONG: Q. You have really set up a board of arbitration by secret ballot?

A. Yes, sir.

Q. And that is really an independent union?

A. Yes, sir.

Q. The company does not finance it or control it?

A. Not at all.

Q. I think you have a true form of collective bargaining?

A. Absolutely.

Q. You might proceed.

"What we particularly want to bring forth, by this presentation, whether our words clearly convey our thought or not, is that we have real collective bargaining through our representation plans and we want to continue to have this right.

To this end, the council of chairmen, referred to in this brief, approved the following resolution, by a unanimous vote, at the meeting on Wednesday, March 10th, 1944:

'It is the opinion of the Council of Chairmen, representing the employees' representation plans, operating in The Borden Company Limited, in the Province of Ontario, that the right of choice as to what organization, through which collective bargaining should be effected, should not be restricted in any manner by any law to prevent such bargaining through so-called Company or Independent Unions which, in our case, would mean the employees' representation plans. This opinion is prompted by the favourable experience of employees of The Borden Company Limited, since 1930, under employee representation plans.'

We have bargained with our management through our employee representation plans by our own choice and, further, we have never, through intimidation or otherwise, tried to impose on any of our fellow workers membership in our employees representation plan.

I would like to interject at this point that in this evening's paper there is a caption, "Milk Strike in Reverse." I don't know whether you gentlemen have seen it or not. It is very vague. It does not give any specific reasons. The way I get it, through the press, is that the unions want to force the men in Port Huron, I think it is, into a union, and the men do not want it, and it is said in the paper they are out on the strike, and only city hospitals are being supplied. Any further details I cannot give you on that. It is just what I saw in The Evening Telegram to-night.

Whereupon the Committee adjourned at 8.10 p.m. until 10 a.m.

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## TWELFTH SITTING

Parliament Buildings, Toronto.  
Thursday, March 18, 1943, at 10 a.m.

Present: Messrs. Clark (Chairman), Anderson, Gardhouse, Habel, Hagey, Newlands, Oliver, MacKay, and Murray.

Mr. W. H. Furlong, K.C., Counsel to the Select Committee.

Mr. J. Finkelman, Adviser to the Committee.

Mr. J. B. Aylesworth, K.C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.

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## MORNING SESSION

MR. FURLONG: There are some more petitions in favour of the Bill, and a communication from Mr. Gare of St. Catharines. His committee was here, and this will be part of another bundle previously.

I have a letter here from Sudbury, from Thomas English, in favour of the Bill.

A wire from the Cafeteria and Restaurant Union in favour of the Bill.

A letter from the Canadian Lumbermen's Association, which sets out that they do not think this Act should include them, due to the particular kind of business that they have. I think that should be written into the evidence as a brief.

A letter from Mr. Walker of Hamilton, who gave evidence the other day, setting out further facts about the Sawyer-Massey Company. I think that possibly should go in as a brief.

A letter from Charles Beattie, President of the Canadian Association of Railwaymen. He was to give evidence the other day but could not get here from Winnipeg. There is a very short brief here which should go into the evidence. He is not opposed to collective bargaining, but he feels that the law here should be the same as it is in Australia.

A letter from the Supertest which briefly states that this is a job for the Dominion Government and not the Province.

A letter from N. W. Mitchell, who gave evidence here on behalf of the Bell Telephone union. He sets out briefly that:

"There appears to be an inconsistency, relative to 'Freedom of Association,' indicated by some of the remarks by Leaders of Labour Organization. Freedom of association can only mean that an individual or a group of employees should have the right to determine his or their own bargaining agency"

and he advocates that nothing be done to interfere with the telephone union.

EXHIBIT NO. 179: Letter, March 15, 1943, T. English to Mr. W. H. Furlong, reading:

"Sudbury, Ontario, March 15, 1943.

Mr. W. H. Furlong, K.C.,  
Counsel Select Committee on Labour Legislation,  
Queen's Park,  
Toronto, Ontario.

Dear Sir:

In reference to the report in Tuesday's Star, March 9th, of Mr. E. C. Facer, Tom Moland, and Alex Anderson, who went to Toronto to represent supposedly the workers of Sudbury. This is absolutely false as these three men did not consult the majority of the workers but went to Toronto on behalf of their own U.C.N.W. Union, using the Sudbury workers as a disguise. They went to try and break up an organization which the majority of the men here in Sudbury preferred.

Mr. E. C. Facer is not a worker in the mine or smelter but a prominent lawyer who is a paid spokesman, so therefore he does not know conditions men work under here and the need of a Collective Bargaining Bill.

Quoting Mr. Facer on saying, 'Our Union came from the employees, was founded on their own time, own expense without help from anyone. Our Union is absolutely independent.' Unquote.

This is an absolute falsehood, for it is known and can be proved that men were allowed to leave their work to organize and still receive full pay.



This held up production and caused a great deal of friction between men on the job.

Quoting Mr. Facer again: 'The Company has not assisted or encouraged, on the other hand it has not discouraged us. We are against Company dominated unions. We also say that a union forced upon the employees by glib-tongued paid outside organizers is equally objectionable.' Unquote.

This is not so.

Bosses were allowed to go around and give men pep talks and to threaten them of losing their homes, acting as stewards for the company union and also telling the men that if they joined the company union, they would get a military exemption, using Selective Service as a shield to hide behind in order to organize. They also promised men high rate of wages if they joined up.

I know the case of a man who left the Company's employment and was away for several months, reporting to Selective Service he was sent back to his old job. On rehiring, he was not placed on his old job but promised, if he joined the company union, he would get the same job back.

There are dozens of cases of this kind going on here every day. There is no committee that could get a fair picture of this community sitting three hundred miles away.

You have to be living and working here to know the need of a legitimate union free of all company domination in any way.

This community has been known as a prison for years and with the aid of a few selfish citizens they are trying to keep it that way.

When the workers felt they must organize into an International Union, then the company immediately organized the U.C.N.W. in order to split the men up so they, the company, would have the last say once again.

If we are to have a better post-war world, the workers must be free to think and join an organization of their choice, if this is not so, the war that is being fought to-day will repeat itself again in another 20 years.

As a worker of the Nickel District, I urge you to pass the Collective Bargaining Bill and to outlaw all company dominated unions and to give the people the freedom they are fighting for.

Yours truly

(Sgd.) T. English.  
Thomas English."

EXHIBIT No. 180: Telegram, March 16, 1943, from Cafeteria and Restaurant Union, Local 168, to Chairman of Select Committee:

"Toronto, Ont., March 16, 1943, 11.13 a.m.

Chairman of Selected Committee,  
on Collective Bargaining, Queens Park.

Cafeteria and Restaurant Employees Union, Local One Six Eight, is urging you to fulfil your duties as representatives of the people and enact the deal of labour's rights and prepare the way for post-war securities.

Nick Vimoff,  
Secretary-Treasurer of the  
Local 168, 325 Yonge Street."

EXHIBIT No. 181: Letter, Canadian Lumbermen's Association, to Secretary, Collective Bargaining Committee, dated March 16th, 1943, as follows:

"March 16th, 1943.

Mr. Patterson Farmer,  
Secretary, Collective Bargaining Committee,  
Room 220, Parliament Buildings,  
Toronto, Ontario.

Dear Sir:

This Association has received submissions from its Ontario members on the subject of the Collective Bargaining Bill which is the subject of enquiry of your Committee.

On behalf of these Ontario members, I am directed to draw your Committee's attention to the difficulty which would be attendant on the application of such legislation to a seasonal industry such as the lumber industry.

In the Province of Ontario, the lumber industry and agriculture are really complementary industries. It is estimated that between 70 and 80 per cent of the labour employed in lumbering operations is farm labour which is given employment during seasons when such labour can be spared from the farms. There is neither the continuity of employment nor the continuity of labour personnel in the lumber industry which exists in many other industries and consequently it is felt that it would be as inapplicable to apply collective bargaining to the lumber industry as to agriculture.

For the information of your Committee I am asked to briefly review the practice of employment among the larger operators in the Province of Ontario:

First: In the late fall, men are recruited from the farms and other sources where summer labour has been laid off, taken to the bush camps, sometimes near at hand, sometimes hundreds of miles distant. These men are employed in logging until the month of

January or thereabouts, dependent on the season and the extent of the log cut.

Secondly: Sleigh-haul begins usually in January. Gangs, in many cases composed of farmer-teamsters sometimes with company horses, sometimes with horses hired from the farms and elsewhere, haul the logs cut to dumps on the rivers and lakes or to main roads. This operation is usually completed by the end of February or at latest the middle of March.

Thirdly: The river drive commences when the ice on the rivers and lakes breaks up and continued dependent upon location for a matter of weeks or months until the logs are delivered to the mill.

Fourthly: Sawmilling in the case of softwoods commences usually in May or June but earlier in the case of hardwoods and usually continues until freeze-up.

Distinctly different gangs function in all four operations and there is a great turnover of personnel in each operation by reason of its seasonal nature and its recruitment largely from agriculture where men are also seasonally employed.

A further complicating factor is the fact that such legislation would be inapplicable to the steadily increasing number of small sawmills (estimated between 1,000 and 1,500 in Ontario) which are often operated by farmers or others as a sort of family affair—only a few men are employed and often without wage contracts. It has not been found practicable to make Workmen's Compensation legislation applicable to all these small mills, and the Dominion authorities completely evade the issue in the matter of Sales Tax by excluding them from its application. While individually small their total production is considerable. It is estimated that through Sales Tax and Workmen's Compensation exemptions alone they now have an advantage of over 15 per cent exclusive of the advantage from freedom of overhead and restrictions as to wages and hours of wage contracts. In normal times their competition with the standard mills is serious, and tends to keep lumber prices at an uneconomic level to the detriment of lumbermen, employer and employee, and to the Crown which is the principal owner of timber limits.

The Association respectfully submits that under the circumstances the application of such legislation as is being studied to the lumber industry might be calculated to be more harmful than beneficial to both employer and employee (bearing always in mind that the majority of the latter are farmers). A precedent for the exclusion of lumbering from somewhat similar legislation is to be found in the Dominion Unemployment Insurance legislation.

Yours very truly,

(Sgd.) W. J. LeClair.

W. J. LeClair,

Secretary-Manager."



EXHIBIT NO. 182: Letter dated March 15, 1943, United Electrical, Radio & Machine Workers of America, Hamilton, to Select Committee, reading as follows:

"March 15, 1943.

Select Committee on Collective Bargaining,  
Parliament Buildings,  
Toronto.

Dear Sir:

On Thursday, March 11, accompanied by another executive member of our union, I attended the hearings of your committee. We understood that representatives of the Sawyer-Massey Employees Association were to present their opinions before your Committee, and we were prepared to ask of them, questions for the record. It is unfortunate that they did not attend.

We would like to place the following facts before you:

1. A government conducted vote was held at the Sawyer-Massey plant on Dec. 4, 1942, for the purpose of determining bargaining agency. The union won a 2 to 1 victory.
2. We believe the association can not possibly represent more than 50 to 75 workers.
3. We believe the by-laws of the Association were drawn up with the assistance of Mr. R. R. Evans, company lawyer.
4. The association did not contest the election Dec. 4th, because there was no association.
5. The association was not organized until after the vote had been taken.

Very truly yours,

(Sgd.) Floyd Walker.

Floyd Walker,

Pres. Local 520, U.E.R. & M.W.A."

EXHIBIT NO. 183: Three letters, two dated March 15, 1943, and one dated March 9, 1943, from the Canadian Association of Railwaymen to Mr. W. H. Furlong, reading as follows:

"March 15th, 1943.

Mr. W. H. Furlong,  
Counsel for Collective Bargaining Committee,  
Queen's Park,  
Toronto, Ontario.

Dear Mr. Furlong:

I have received your message through my assistant at the office. May I put my message in this form, that I do not favour any check-off system,

nor do I favour any International Unions in Canada. I feel that Canadians are well able to take care of the Labour situation just as well as other colonial bodies are taking care of it, and I am prepared to give evidence on Wednesday morning, at 10.30, to that effect.

Yours sincerely,

Chas. Beattie,  
President."

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"March 15th, 1943.

Mr. Furlong:

Being in knowledge of the fact that you are Chairman of a Committee appointed to declare as to whether the Ontario Legislature should pass a Bill supporting Labour, or otherwise, I wish to state that I am greatly in favour of supporting a Labour Bill along the lines of the Congress of Labour of England and Australia, which gives the right to an employee to belong to an organization of his choice, and which also gives the right to an employee to be represented by a fellow employee, independent of who holds the contract of wages and working conditions.

I personally feel that a full fledged, registered Canadian organization should receive the full support of the Ontario Legislature.

We do not approve of the check-off system inaugurated by the C.I.O., nor do we approve of the methods employed whereby they have secured a grievance, not with private firms but with Government owned. We also disapprove of the methods employed by the Canadian Congress of Labour and by the Trades and Labour Congress of Labour. We still feel that a man of Canadian birth and British origin should have the right to belong to an organization of his choice and be protected by the laws of this Country. The Canadian Association stands for this principle, freedom of thought, Labour and political. Also, as I have said before, a man has a right to belong to an organization of his choice, and that a minority organization as between employer and employee should have the right to adjust all grievances concerning their organization, with this proviso, that the Union so designated is governed and controlled by the employees; that an employer and the employee has the right to meet together at all times.

I appreciate your invitation to appear before you Wednesday morning, at 10.30 a.m., to give further evidence on this matter.

Mr. C. Beattie."

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"March 9th, 1943.

Mr. W. H. Furlong,  
Counsel for Collective Bargaining Committee,  
Queen's Park,  
Toronto, Ontario.

Dear Sir:

I understand that the Committee as selected by the Prime Minister is now taking evidence as to why, or how, the Labour Bill should be presented

and passed by Ontario Legislature. Being President of an independent all-Canadian Union, I am at a loss to understand how the Canadian Association of Railwaymen can present its evidence before you and your Committee. Are we to be invited, or is it voluntary evidence.

I note your next Session is to be held the 17th, 18th and 19th of this month, and on behalf of an all-Canadian organization I would like to give my evidence as to why independent Unions controlled and operated by the membership should still exist. I have noted, in the evidence that has been supplied by the Canadian Congress of Labour and the Trades and Labour Congress, that they are most insistent that they should have this Bill passed in favour of themselves. Being in touch with a vast majority of Labour men in this country, this is the general opinion, that they would not belong to the C.I.O. if it was not for the check-off system. They declare they have no freedom.

The same position exists with affiliated organizations of the A.F. of L., and it is ridiculous to think that men are forced into a Labour organization, paying as high as \$60.00 for initiation fee; and it is ridiculous to think that our sons are fighting for democracy overseas, while we allow these conditions to prevail in this country of ours.

Sir, I would like to suggest to you, and your Committee, that they accept the free Labour principles of the Congress of Labour of Great Britain and Australia, that a man has a right to belong to the organization of his choice, and that an employee, accompanied by a fellow employee, has the right, when he has a grievance, to approach his employer.

Much more could be said on this principle of real co-operation between employee and employer, and I will leave it to you, Sir, to protect some of the big National Unions of Canada.

May I say, in closing, I would be only too willing to present my evidence as to why independent Unions should be protected in this Labour legislation of Ontario. Trusting to hear from you in this matter, I remain,

Yours sincerely,

(Sgd.) Chas. Beattie,  
President."

EXHIBIT No. 184: Letter dated March 15, 1943, from Supertest to the Hon. Mr. Conant, reading as follows:

"March 15, 1943.

The Honourable G. D. Conant, K.C.,  
Parliament Buildings,  
Toronto, Ontario.

Dear Sir:

I have read with interest reports which have appeared in the press dealing with a proposed Bill on Collective Bargaining which the Ontario



Legislature is said to be considering, and while I have not made it a policy to write to Government officials with respect to legislation, I should like to point out one aspect of the situation which I believe merits very careful consideration.

I merely want to say that I am of the opinion that Collective Bargaining or any Social Legislation which might be contemplated, should be of a Federal nature for the simple reason that the competitive situation of Ontario must be considered.

The manufacturers in this Province have always been handicapped through competition from the Province of Quebec where wages are lower and in view of the fact that Collective Bargaining and Social Legislation could only lead to higher costs over a period of time, it would seem disastrous in the long run if Ontario increased her costs to create a further mercantile disadvantage as with the Province of Quebec. The net outcome could only result in a boomerang inasmuch as, in establishing new industries, far-sighted people would have little choice other than to commence operations in the more favourable labour market. As a matter of fact, it is not beyond the realm of possibility that some Ontario manufacturing concerns would find it advisable to move their establishments to Quebec. Therefore I say that any contemplated legislation affecting the industrial life of the Province should be carefully considered.

The intention is merely to point out the danger to this Province of passing a Legislation which would place this Province at a disadvantage with the Province of Quebec in the matter of industry, and to suggest that any Collective Bargaining or Social Legislation which might be deemed advisable should be a project of the Dominion Government equally effective in all the Provinces.

I should hate to think that this point has been overlooked in your thinking, nevertheless I feel it best to draw the point to your attention.

Yours very truly,

(Sgd.) J. G. Thompson

CC: The Honourable W. L. McKenzie King."

EXHIBIT No. 185: Letter dated March 9, 1943, from N. W. Mitchell to Chairman of Committee, reading as follows:

"76 Adelaide Street West,  
Toronto, Ontario,  
March 9th, 1943.

Hon. J. H. Clarke,  
Chairman, Select Committee on Collective Bargaining,  
Ontario Legislature.

Dear Sir:

I have been authorized by the senior officers, The Plan of Employee Representation of The Bell Telephone Company of Canada to direct your attention to press reports of March 8th, 1943, quoting remarks made by

J. A. Sullivan, Vice-President of the Trades and Labour Congress of Canada. He is credited with stating:

'That the problem of Company Unions, such as The Bell Telephone Company Employee Association, could be solved by a supervised but secret balloting to determine the workers' preference in the matter of Union affiliation.'

In our presentation to the Select Committee, it was definitely pointed out that at the time the present organization was drafted, a supervised and secret ballot was taken of all employees concerned, resulting in a very large majority in favour of continuing under a Plan of Employee Representation.

Therefore Mr. Sullivan is concerned about a problem which does not exist and as a responsible leader of labour should be careful not to create a false impression to the public.

Reference to the conditions of The Plan of Employee Representation will definitely indicate that all elections are supervised by employee representatives and are secret.

There appears to be an inconsistency, relative to 'Freedom of Association' indicated by some of the remarks by Leaders of Labour Organization. Freedom of association can only mean that an individual or a group of employees should have the right to determine his or their own bargaining agency.

Thanking you for your attention, I remain,

Yours truly,  
(Sgd.) N. W. Mitchell.

N. W. Mitchell,  
Chairman, Western Area  
Employee Committee, Bell  
Telephone Plant Employees."

MR. FURLONG: The first to be heard this morning is the Labour Youth Federation. We have a number of young ladies here. Which one of you ladies will present this brief?

#### LABOUR YOUTH FEDERATION

MISS GRACE WALES, sworn.

MR. FURLONG: Q. I take it you live in Toronto?

A. Yes, I do.

Q. Are you an officer of the Labour Youth Federation?

A. Yes, I am the Toronto Secretary.

Q. What is the Labour Youth Federation composed of?

A. The Labour Youth Federation is an organization of young people who are concerned with doing everything in their power to further the war effort, and to make a contribution as young people. It is composed of clubs of young people chiefly working in war industry, and is a national organization with groups across Canada.

MR. OLIVER: Is it a union organization?

A. Most of our members who work in industry are union members.

Q. Is it a union organization?

A. We are an independent organization.

MR. FURLONG: Q. How many members have you?

A. Nationally we have around a thousand members.

Q. How many members in the organization you represent?

A. In Toronto there are around 100.

THE CHAIRMAN: When do you cease to be a youth member?

A. We have no age limit.

Mr. Chairman and members, I feel that we owe you an apology.

THE CHAIRMAN: We will forget that. We expect that from youth.

WITNESS: We feel it was due to an unfortunate circumstance that our brief was not here. We are sorry, too, as we had a representative delegation of young people from fifteen of the main war industries in Toronto present with us last night. To-day we have only representatives from three of the war industries.

We realize that the Committee has been listening to briefs and holding discussions for a considerable time, and we did not wish to duplicate any of the points that had been made, but rather to draw to your attention the opinions of young people, as we feel that that has a bearing upon the collective bargaining legislation, and we feel that young people also have something to say about it, as they have a stake in this legislation.

"This submission is presented to you by a delegation of young workers from Toronto war industries, sponsored by the Labour Youth Federation. The point of view expressed is that of a representative assembly of young workers at a Youth Parliament held on March 16th, 1943, from which this delegation was elected. It is endorsed wholeheartedly by the Labour Youth Federation of Canada, a national organization of young people devoted to full assistance of the country's war effort. The majority of its members are in essential industry, and hundreds have enlisted in the armed forces.



We feel that stress should be laid on the opinions of young people with regard to the proposed legislation because of the role they are playing in the prosecution of Canada's war effort. The youth of the country are called on to bear a heavy share of this responsibility. Of the 703,250 men and women on active service, the vast majority are young people. Canada's army of munition workers, 1,050,000\* strong, is composed largely of youth, of whom 225,000 are women and young girls, coming into industry for the first time to replace men for service in the armed forces. Canadian youth on the battlefronts and on the production lines are prepared to make great sacrifices and to put forth every effort to ensure a speedy victory.

The proposed labour Bill is of utmost concern to young people, coming at this juncture in the course of the war, when our Canadian armies are on the brink of a decisive military offensive against the German armies in Europe, and when no stone should be left unturned to ensure that the production of weapons of war is steadily increased to meet the demands of the hour.

Young people need a labour Bill which will guarantee compulsory collective bargaining. They need it in order to play their full part in speeding up production without fear of intimidation and discrimination. Too long disunity and confusion have resulted from inharmonious relations between workers and management because of the lack of a clear-cut procedure by which workers can take up their just grievances with their employers. There are cases, Mr. Chairman, of members of our delegation who have undergone experience of firing and blacklisting because of their union activity in the shops. Such discrimination will continue until a Collective Bargaining Act is on the Statute Books, enabling workers to join the union of their own choice without fear of discrimination."

THE CHAIRMAN: Do you find fear among your people, intimidation and discrimination at the present time?

A. Yes, Mr. Chairman. I was going to refer to the case of one of the members of our delegation who had gone through this experience. She was very active in union activity in the Acme Screw & Gear, and after being submitted to intimidation for some time, left the plant.

Q. What form did the intimidation take?

A. I would like to refer here to Thelma Bruff.

Q. We will call her later. Go ahead. I am sorry for interrupting.

A. "We are convinced that through the building of strong unions of their own choice, free from company control and domination, workers will be in a position to make their full contribution to the war effort, by co-operation with management on a basis of equality in the interests of production. It is a well-known fact that where a strong trade union exists protecting the rights of the workers, there is also labour management co-operation and an appreciable increase in production.

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\*Canada at war, Feb. 1943.

The proposed legislation under discussion has significance for the future of the youth who are fighting for the maintenance and furtherance of our freedom and democratic rights.

The boys in the Canadian army who will be returning after victory is won, and the young women who have taken their place in the war industries, look to our country for a future of greater security than was their lot in years gone by. We are familiar with the years before the war, when the youth of Canada left schools to face unemployment and starvation wages. This, Mr. Chairman, was a generation of lost youth, ignored and forgotten in the stress of the times. Now, young people are called upon to give their lives to save our freedom and democracy, and have wholeheartedly accepted this responsibility. We realize that tremendous casualties face our Canadian armies in the bloody battles to come; the experiences of the Russian and Chinese armies have proved that. Surely we cannot expect the youth to face the prospect of returning to the same plight as met them following the last war? Surely the basic democratic rights of union organization and collective bargaining should be granted. We are aghast at the suggestion made by a previous speaker to this Committee that the youth are considered unfit to make up their minds in voting for their union due to inexperience. If the youth of our country are old enough to fight our country's battles, they are old enough to share in its democratic processes. Surely, no one would dream of refusing this to the young people on whose shoulders the survival of our democracy rests.

Mrs. Franklin D. Roosevelt has said that 'it is the duty of the American worker to protect wages and labour standards so that the man who returns to industry from armed service after the war will find those standards intact.' We believe that a strong organized labour movement will guarantee that the transformation of war industry to peace-time needs will be made with the minimum of friction and dislocation.

The labour movement, in pressing for this Bill, has outlined many suggestions for its contents. We are in complete accord with the position taken by the Trades and Labour Congress of Canada and the Canadian Congress of Labour. The emphasis we wish to make, as young people, is that such a Bill, to grant compulsory collective bargaining, and the outlawing of company-controlled unions, is necessary for the full prosecution of our war effort, and as a basic guarantee of the security of youth in the peace that is to follow."

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THELMA BRUFF, sworn.

WITNESS: When I was working in the Canadian Acme Screw & Gear, I was there about a year, and I took part in both the strikes. After the second strike when we went back they really discriminated against the people who were leaders in the strike. I mean, it is something you can't just put your finger on. The foreman, whoever is in your shop, can come along and make you do nasty jobs that he would not otherwise make you do in other times. It made it so tough for me that I had to quit. So I quit, and when I went for a job I couldn't get a job anywhere. I was an experienced machine operator. I could run a lathe, a punch press, highspeed drill, any of these machines I could operate. Well, I couldn't get a job in any war plant in Toronto. I found out that they were

discriminating against me because of my trade union activities. I went to Mr. Ainsborough, of the Department of Labour, and Mr. Ainsborough was the means of making Mr. Peterson stop telling people that I was active in trade union work. I was down to the Department of Labour three or four times. Mr. Ainsborough had to argue with Mr. Peterson.

THE CHAIRMAN: Q. Who was Mr. Peterson?

A. He was President of Canadian Acme Screw & Gear. I know for a fact that these people were trying to stop me from getting a job because of my trade union activities.

Q. How do you know that?

A. Maybe it is not the right thing I should have done—Mr. Ainsborough told me I did the wrong thing; maybe I did, I don't know if I did or not. I got on the phone one morning and phoned Canadian Acme Screw & Gear, and I told them I was representing a factory, and I wanted a reference on Miss Thelma Bruff who had worked at Canadian Acme Screw & Gear. He said, "Sure, she is a good worker but she does things." "What does she do?" "She takes up the grievances of the girls in her department, on her floor, and she is active in trade union work. Otherwise she is a good worker." It is a well-known fact that if one boss says to another, "She is active in trade union work," he won't hire you because naturally he feels you will turn around and start organizing his plant, and that is against his interest.

THE CHAIRMAN: Anyone else, Miss Wales?

MISS WALES: No.

THE CHAIRMAN: Well, the brief is very nice and very well presented.

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#### SUBMISSION OF BERT W. LANG

BERT W. LANG, sworn.

WITNESS: Mr. Chairman, I only have a limited number of copies of my brief.

THE CHAIRMAN: We will spread them around as best we can.

MR. FURLONG: Q. Mr. Lang, whom do you represent?

A. I am presenting this brief as an individual and as a management consultant.

Q. You are in business in the City of Toronto, are you, as a management consultant?

A. Yes.



MR. NEWLANDS: This is not a brief; it is a book.

MR. FURLONG: Q. What particular work do you do as a management consultant?

A. As a management consultant I do consultation chiefly, not detailed investigation.

Q. With regard to what matters?

A. With regard to organization of industry, planning of production, personnel problems, employee relations problems.

Q. How long have you been in that business?

A. Approximately one year, and not my full time, as I have other responsibilities which take up a great deal of my time.

Q. Go ahead, Mr. Lang.

A. Mr. Chairman, ladies and gentlemen; I have been engaged in industrial work for over twenty-five years, during eighteen of which I have been in responsible executive positions. I have always followed with a great deal of interest, and have been in favour of any economically sound improvement in the workers' wages and benefits which were consistent with efficient operations and sound management principles.

The question before the Committee is a most important one, which has far-reaching implications, as it affects workers, industry, government and all citizens.

Due to the limited time allocated to the presentation of this brief it will be necessary to omit many sections in whole or part. However, it is requested that the complete brief be filed and made part of the record.

"During the period since the first world war the character of Canadian business has changed in many ways in order to operate under new conditions and to meet new opportunities. As a result, industry has been able to lift the standard of living and wage levels to new highs, so that not only owners and managers, but all workers are direct beneficiaries.

Since 1939, under war conditions, some of these changes affecting business and the workers have come at the dictation of government and of unions, and business fears that many of these enforced changes are not consistent with sound management and may have caused irreparable harm.

In general terms, the things that workers want are not different from those to which employers, professional men and everybody else aspire. Opportunity, security and an improved standard of living are universal ambitions.

The search for security by every class of the population is to be expected

in a country such as Canada, but we must guard against one class endeavoring to secure more than its fair share to the detriment of other classes."

THE CHAIRMAN: Even at the bottom of the depression, was there not only about ten per cent of the people that were not economically secure?

A. At the bottom of the depression?

Q. Or was it higher?

A. I have not the figures but I would say it was higher.

Q. Much higher?

A. I prefer not to quote because I have not got the figures.

"Back of one man's security there must always be another man's willingness to risk his capital.

The men who launch, finance and manage business enterprises stimulate the flow of goods and services because they have to in order to protect the investment and give employment to themselves and their employees. In the last analysis industry is merely the channel through which materials flow and are processed to the form in which they can be used by the consumer or the means of rendering service to the public. Without such men the workers in Canada would not be enjoying the highest wages and the most advanced living standards, excepting only the United States, in the world to-day.

Unfortunately the man who has the capital to invest is being discouraged from launching new enterprises: by heavy taxation first on the income of companies and again in the hands of the individual, and by union leaders who apparently aim not only to force increases in wages but also to interfere with the sound and efficient management of business enterprises.

More and more business and industrial problems, which have traditionally been regarded as purely management's responsibility, are coming to be the subject matter for employer-employee discussions. Earnest and progressive managements are ready and anxious at all times to co-operate with their employees to improve the employee's benefits from industry as far as possible, consistent with sound economic principles.

Most employer-employee relations programmes are designed to enlist goodwill and the co-operation of employees in the operation of the business, to improve the employee's benefits from the enterprise and to provide for his security. During the early 1930's management's ability to increase wages or otherwise improve the worker's benefits was influenced by existing economic conditions, as will be the case in post-war years. Such programmes develop a sound understanding and mutual confidence and make for efficient operation.

Management finds it difficult to concentrate on the urgent problem of

war production due to the many demands which are being made upon industry by labour and by governments in the field of labour relations. As government rulings, policies and indirect support of unions push employers into the position where they have less and less to say regarding their employee relations, not only does the question: 'Will it help to win the war?' draw unsatisfactory answers, but another important question must also be asked: 'Where will these concessions to labour leave us after the war?'

Directly or indirectly, the activities of the unions now affect everybody in Canada. The public in general is paying the bill for this war, and, therefore, is paying any increases in wages secured by the unions. The government purchases the larger portion of goods manufactured during the war and as a great volume of these purchases are made on a cost-plus basis the employer often has a direct incentive to have wages increased, for the more wages he pays out the greater profit he will receive on the cost-plus basis.

The prosperity of all Canadians depends on their individual initiative, determination and willingness to work. While a gainful occupation for all is the primary objective of all private enterprise, there is a selective process qualifying men for their jobs, rewarding industries and providing an incentive for the inefficient to improve their work. The first principle of sound management is responsibility and control, and the second is reward according to merit. Unionism as we have seen it develop in the U.S.A., and as it is now developing in Canada, interferes with the sound management of industry by divorcing control from responsibility.

The organized campaign now being waged for collective bargaining legislation is, no doubt, directly connected with the manoeuvres of political parties for advantage in the elections which it is anticipated will be contested in the near future in the Province of Ontario and probably also in the Dominion. The political parties are being prompted by union representatives to pass what might be termed 'union legislation', and the political parties seem to be competing to see which one can promise unions the most. In other words, the agitation for the collective bargaining legislation is the result of power politics on the part of unions, with total disregard of the rights of other classes.

As a result, employers' problems in employee relations have become problems in government relations as well. Government officials and administrators have striven not only to increase the unions' bargaining strength, no doubt due to pressure from the unions, but in the background of many collective labour negotiations a government representative has ruled either as a conciliation officer or as chairman of a War Labour Board. These government representatives appear to favour the unions unduly. The War Labour Boards were set up to prevent industrial strife during the war and to assist in fighting inflation on the labour front. Rewarding groups of union workers, who strike or threaten strike during wartime, with wage increases is not consistent with either of these objectives. These war labour boards, with their apparent pro-union bias, regardless of what their purposes are claimed to be, may unconsciously tend to steer their decisions by the criterion of whether they will promote unionism.



If the proposed compulsory collective bargaining legislation is passed, the employer would eventually lose his right to deal directly with his workers in presenting his viewpoint on issues vital in employer-employee relationships or in discussing grievances or other problems of mutual interest. This right would become a union monopoly subject to abuse by any politically motivated union leaders."

MR. OLIVER: What do you mean by that?

A. I will cover that a little later. If not, I will answer your question later.

THE CHAIRMAN: Did you hear Mr. Cook give his evidence here yesterday, representing some twenty clothing establishments, with—I don't know how thousand workers?

A. Unfortunately, I did not. I know Mr. Cook very well.

THE CHAIRMAN: I was sorry the press did not give it verbatim publicity.

MR. FURLONG: You might ask him if he thought Mr. Cook was a truthful man.

WITNESS: I might say, in speaking of unions, while it is necessary, as I think I will show you later, to speak of them collectively in this case, all unions cannot be regarded in the same light.

THE CHAIRMAN: What Mr. Cook said was that they had a most depressed industry, with sweatshops and everything else. Finally they unionized and the manufacturers and employers objected to it, fought them, but ultimately they got together and did not only have a union in one corporation but extended all over. He said they had their little differences. He did not put wings on the labour side or he did not put wings on the manufacturers' side. He said there were a few recalcitrant old-time fellows, a little more conservative than the others among the manufacturers, who bucked and fought this new idea of labour and management sitting down together, but he said they finally came in line, and since then they are giving the public a better article at a lower price, comparatively speaking, than they ever did before, and they are going along without any strife or turmoil at all. They have their little differences, but they sit down and iron them out. They found it was a good deal better for the employees and a good deal better for the manufacturers, but he considers that good leadership for the unions and good leadership for the manufacturers was a prerequisite. That was his story.

WITNESS: I know Mr. Cook quite well. I have discussed these problems a good deal with him. We visited backwards and forwards. I might say unions have done a good deal of good under sound leadership.

Q. If you have a rotten coach for a hockey team, you have a pretty rotten hockey team.

A. It depends on what motive is behind any union approach.

Q. We can agree on that.

A. Where conditions are subnormal the unions have done a lot of good work. However, it is my thought that unions to-day concentrate on large organizations, usually organizations which are paying in most cases well above the average wages. The reason for that must be that it is a greater opportunity to them to secure union dues, and also the industry, they may feel, can stand up to extra wages. I am not against unions as a whole by any means.

"Is it any wonder that business is afraid of the unions' growing influence in government, as unions, if backed by the legislation which they recommend and urge, would have so much power that they could dictate their own terms in collective bargaining.

We are alarmed at the high rate of absenteeism in industry to-day. What effect have the activities of union organizers and the pro-union government attitude on this condition? Discipline in time of war is just as necessary and essential among all Canadian citizens as it is in the fighting services. As the management and control of employees is gradually being taken out of management's hands, control disappears and absenteeism increases.

In order to secure members and to maintain membership, the unions must keep the workers more or less dissatisfied with their employer by promising to secure for the workers added remuneration or other benefits. Therefore, there is not the close co-operation between management and the workers which is so necessary if an organization is going to operate smoothly and efficiently."

MR. HAGEY: Have you any evidence to back that statement up? We have heard evidence to the contrary.

A: I will go along a little further to answer that.

Unions, generally speaking, have not been in favour of incentive plans or, in other words, pay in proportion to the volume of work performed. It is reported that last year General Motors in the U.S.A. tried to introduce incentive pay but were turned down by the United Automobile Workers' Union. Incentive pay is not only fair to the workman, as it allows him to earn in line with his special ability, but is a means of increasing efficiency and volume of output, which is most important during these critical times.

Under these conditions it is quite evident that one of the serious problems of management to-day is to maintain efficiency and production as confused or dissatisfied workers are not efficient. Efficient operation and maximum production, in most industries, can be obtained only where the worker is encouraged to produce and is entitled to receive pay according to his ability through the operation of incentive or contract plans.

Canadian workers are now enjoying the highest wages and the most favourable working conditions in the history of Canada. When the increase in the weekly income of each individual, and particularly of the whole family, is considered, present demands for higher wages are economically unsound.

Average earnings for all industrial workers in Canada during 1939 amounted to \$20.13 per week as compared to the average for November, 1942, of \$29.79, which shows an increase of almost 50% above 1939."

MR. FURLONG: The Government takes most of that.

MR. NEWLANDS: A man making \$29 a week would only get around \$22.

WITNESS: I would prefer to deal with that later.

"The publication of weekly earnings for each month and by industries, cities and provinces was commenced with March, 1941, and therefore the following detailed comparison of current earnings per week can only be made with that month.

			% Nov., 1942, over % Increase in Em- ployment based on	
	Mar., 1941	Nov., 1942	Mar., 1941	Nov., 1943, over 1939 average
All Canada.....	\$26.08	\$29.79	14%	54%
Ontario.....	27.17	31.12	15%	58%
Quebec.....	24.54	28.10	15%	54%

*Representative Cities:*

Toronto.....	26.62	30.89	16%	70%
Hamilton.....	27.68	32.18	16%	82%
Windsor.....	36.09	40.61	13%	150%
Montreal.....	24.83	29.49	19%	60%
Vancouver.....	26.29	32.52	24%	115%

*Representative Industries:*

Manufacturing.....	26.30	30.65	17%	92%
Mining.....	31.68	35.48	12%	6%
Transportation.....	32.42	34.54	7%	23%
Construction and Main- tenance.....	24.38	28.52	17%	17%
Trade.....	22.32	24.50	10%	12%

In cases where the Cost-of-Living Bonus was paid in 1941 it would account for an increase between March, 1941, and November, 1942, of \$3.00 per week, equal to about a 12% increase in pay over March, 1941, based on the average wages for all groups.

This Cost-of-Living Bonus could be regarded as class legislation as industrial workers benefited to the greatest extent. No similar bonus was authorized to aid farmers, shopkeepers, owners of leased properties, individuals who own and operate their own business and bondholders and stockholders representing the owners of large enterprises.

If, during normal' times, wages are increased to the point where the product produced must sell at a higher price than the marginal consumer



can pay, then volume of sales will decline and unemployment result, unless wages and selling prices can be reduced. During the war, while demand exceeds supply, the customers are prepared to bid prices up, if allowed to do so, in order to secure their requirements. However, this is not such an important factor at this time when the government is the purchaser of the larger volume of production and a large proportion of such purchases are on a cost-plus basis.

Where the selling price is fixed, increased costs may force a producer to discontinue production of lines which will not show an operating profit. In the mining industry, which the above comparison shows to be paying the highest average weekly earnings, increases in costs are of vital importance as even a small increase may cause mines operating on low grade ore to discontinue production and force all mines to leave unmined large volumes of what was marginal ore which passes to the class of non-profitable ore. The result of such increases in cost would be lower production tonnage with resultant drop in number of men employed.

The term 'Proposed Legislation' (or any similar term) as used in this brief is defined as any new legislation dealing with collective bargaining which may be considered under present conditions.

#### *Post War Period*

What will be the effect of the proposed legislation after the war? The relatively high wages now paid in Canada have attracted a large number from the farms and outlying communities into industry. The figures shown in the last column of the previous sheet show the percentages by which employment in industry at the present is above the average for 1939.

The following are representative figures: Ontario, 58%; Toronto, 70%; Windsor, 150%; Hamilton, 82%.

As it will be impossible to maintain this high rate of employment after the termination of the war, what provision can be made to have these people who are new to industry return to their farms and other pre-war occupations?

It should also be kept in mind that relatively high wages and restrictive labour laws in Ontario may be reflected after the war by the loss of business to other provinces where wages and laws are more advantageous.

We must anticipate much lower wage levels and a reduction in our high living standards after the war, and particularly so if the principles as set out in the 'Atlantic Charter' are implemented.

The 'Atlantic Charter' calls for freer world trade as set out in points 4 and 5 shown below:

4. They will endeavour, with due respect for their existing obligations, to further the enjoyment of all states, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity.
5. They desire to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labour standards, economic adjustment and social security.

Therefore, after termination of the war, Canadian industries not only will be forced to meet competition from foreign countries in the domestic market, but also will have to compete in the export market with many low cost countries which were keen competitors before the war."

MR. FURLONG: This Committee is not dealing with wages. It is dealing with collective bargaining, which pertains to the employees choosing a committee to sit around a table and talk to their employer. That has nothing to do with wages, or high cost of living; it is a different problem altogether.

WITNESS: I contend that wages is most closely connected with the problem we are considering.

MR. FURLONG: A collective bargaining act does not force anybody to pay any particular wage; it is a question of negotiation, whether one man negotiates an agreement with his employer, or whether a committee on his behalf does it.

WITNESS: I think I can answer your question very shortly here in my notes.

"High tariff barriers have been the most important factor which has made possible the payment of wages and the establishing of living standards in Canada and the United States so far above the rest of the world. With the reduction of these tariff walls, to which Canada is committed, we must meet the competition of other countries, not only in the export field, but also in Canada.

### *Export Trade*

The following is a comparison of average weekly earnings based on the latest figures available (International Labour Review, February 1943) and current rates of exchange for all countries excepting Japan to Italy inclusive, in which case exchange rates of January 1939 were used.

Current Exchange Rates	Average Earnings per week	Exchange Rates, January, 1939	Average Earnings per week
Canada.....	\$ 29.79	Japan.....	\$ 3.30
Great Britain.....	17.38	Germany.....	11.25
New Zealand:			
Men.....	19.86	Netherlands.....	12.17
Women.....	8.84		
		Poland.....	5.61
Australia:			
Men.....	21.51		
Women.....	11.47	France.....	13.30
Russia.....	10.47	Italy.....	5.37
Switzerland:			
Men, skilled.....	20.75		
Men, unskilled.....	16.72		
Sweden.....	18.07		
Uruguay.....	6.21		
Mexico.....	6.53		
Argentina.....	8.36		

The seriousness of this competition can only be pictured when we realize that the income derived from the export of goods and services represented an average of 31% of the total National income of Canada in the years 1926-1937 inclusive. This percentage is taken from the report of the Standing Committee on Banking and Commerce of June 1939 submitted to the House of Commons by Graham Towers, Governor of The Bank of Canada.

The following quotation from the address of Mr. C. H. Carlisle, President of the Dominion Bank, at the Annual Meeting in December, 1942, is most important in this connection:

#### 'LABOUR—PRODUCTION AND WAGES

Inflation of industrial wages is creating a dangerous situation for labour and others, and must necessarily culminate in a crash as devastating as or greater than that caused by the stock speculation of 1929. At the outbreak of the war wages were at an all-time high, and have increased since then, as of September last, forty-six percent. During the present war strikes have been too numerous and for less cause, and production unnecessarily retarded. Owing to the high wages paid and shorter hours worked, labour has been drawn from other sources—especially from the farm to the factory—thereby unbalancing our production as a whole. A high percentage of industrial labour is employed on the production of essential war materials paid for by governments, and therefore, has little relation to normal peace-time conditions.

#### Low and Economic Costs Essential

Following the cessation of the war, production will be governed by the ability of the consumer to purchase, and that ability in turn will be measured by the then income. We can only sell our products in foreign markets when we can offer them on a basis competitive in quality, in price and in service. Therefore, we must keep in mind that low and economic costs will be a determining factor in our volume of business.'

The Governments of Canada and Ontario must somehow make Canadians aware that we are engaged in a most serious war, and that all classes should endeavour to make every sacrifice necessary which will contribute to the winning of the war in the shortest possible time. The policies and decisions of the governments and their representatives on the many special committees, boards and organizations created by the governments, are apparently all too often determined with a view to the welfare of the party in power, no doubt with the same controlling factors influencing their actions as in pre-war days, such as party patronage, the party campaign fund and competition for public favour and the public vote.

The result of competition between parties is indicated by the adoption by the party in power of policies, suggested by other parties, no doubt with the thought that such action may help to maintain the party in power. The reaction of the Federal Government to the policies announced by the Progressive-Conservative party following the 1942 Convention is an example



of this trend. The competition between the parties to gain the favour of the unions is an outstanding example and has resulted in the adoption of pro-union legislation and the reflection of pro-union bias in the majority of decisions affecting the unions. The attitude of the government in handling the affairs of the country, and its appeasement policy, usually apparent in its actions and decisions which may affect the future of the party, have not impressed Canadians with the seriousness of the present war situation, but rather have encouraged individuals and groups to endeavour to secure concessions and legislation favourable to themselves.

If the political parties would follow the example set by Great Britain and agree to outlaw party competition and unite in sharing the responsibilities and determination of policies and decisions of the government for the duration, the greatest contribution possible would have been made to the winning of the war, and demands for concessions such as we are considering would not take up time which could be applied to better advantage in our war effort.

If the parties were sincere in such an effort, they would waive the right to hold any further elections until after the war. If such co-operation of the parties could be secured and guided by sincere government leaders, policies could be adopted and decisions made based entirely on 'how will it help to win the war', and 'how can the security and welfare of Canadian citizens best be served during and following the war.' Such governmental action is imperative in order to secure the whole-hearted confidence and co-operation of all Canadians so necessary at this time so that the maximum effort may be concentrated on winning this war which is far from being won at this time.

In referring to unforeseen expenses of the government as set forth in a statement tabled in the House of Commons, the Globe and Mail of January 20th, 1943, stated in part as follows:

'A payment of \$2,500 was made to the American Federation of Labour Convention Committee towards defraying expenses of the convention in Toronto.'

Is it a usual practice for the government to make such donations to other organizations holding conventions in Canada?

A report in the October Labour Gazette covering the annual convention of the Canadian Congress of Labour held in Ottawa in September, 1942, in referring to the address by Hon. Peter Heenan, Minister of Labour for Ontario, stated in part as follows:

'It was the Minister's opinion that the chief cause of disputes concerns collective bargaining. He thought that employers would be glad to deal collectively with their employees, thus securing their assistance and co-operation. The Minister made reference to a recent meeting of members of the Ontario Cabinet and representatives of the Canadian Congress of Labour. He stated that "following the representation of the Congress officers, the Cabinet agreed to bring down legislation to force employers to bargain collectively with their employees".'

A report in the same issue of the Labour Gazette, covering the Convention of the American Federation of Labour in Toronto in October, 1942, stated in part as follows:

'In a short address before the delegates of the A.F. of L. Convention, the Minister of Labour for Ontario, Hon. Peter Heenan, invited members of the Federation to visit his office and examine the draft Bill on "Collective Bargaining" which he had prepared and would introduce at the next session of the Legislature.'

The interest of Hon. Peter Heenan in unions and the labour movement dates back many years. He was Chairman of the Brotherhood of Locomotive Engineers Union for eight years when he was a locomotive engineer. First elected to Ontario Legislature in 1919, he resigned to enter Federal politics and was elected as a Liberal-Labour in 1926 and then appointed as Minister of Labour in the King Cabinet. He resigned his seat in 1934 to accept the portfolio of Lands and Forests in the Ontario Government and has held his position of Minister of Labour for about two years.

The National Labour Forum broadcast is an outstanding example of how the government has assisted the unions indirectly. These broadcasts of one-half hour each Wednesday evening across Canada's C.B.C. network are conducted by union men. They represent a half-hour of union advertising and propaganda which must be most valuable to the unions in furthering their membership campaign and in preparing the public and government members for the consideration of pro-union legislation.

The announcement at the end of the broadcast states in part as follows: 'National Labour Forum is presented each week at this time by Canadian Broadcasting Corporation in co-operation with the Trades and Labour Congress of Canada and the Canadian Congress of Labour.'

The broadcast of March 3rd, 1943, was a discussion on 'Company Unions' conducted by the following: E. A. Corbett, Director of the Canadian Association for Adult Education; William Dunn, of the Carpenters' Union, Secretary-Treasurer of the Toronto District Trade and Labour Council, and a member of the C.C.F.'s Trade Union Committee; Fred Dowling, International Representative of the Packinghouse Workers' Organizing Committee and Chairman of the C.C.F.'s Trade Union Committee; Larry Sefton, International Representative of the United Steelworkers; and Neil MacDonald, Grand Lodge Representative for the Ontario District of the International Association of Machinists.

A copy of the script used for the March 3rd broadcast on 'Company Unions' will be found under page thirty-two of this brief.

The broadcast of February 17th, 1943, on 'Collective Bargaining' was conducted by two union representatives, Percy R. Bengough, Acting President of the Trades and Labour Congress of Canada, and Norman S. Dowd, Executive Secretary of the Canadian Congress of Labour."

MR. FURLONG: What has that to do with collective bargaining? Anybody

in this country has the right to broadcast and make a speech. This is a free country.

A. I think I can answer that question later.

"On February 24th, 1943, 'Union Shop', a continuation of the previous week's discussion on Collective Bargaining, was discussed by four union representatives, Murray Cotterill, International Representative of the United Steelworkers and Secretary-Treasurer of the Toronto Labour Council; Paul Siren, International Representative of the United Automobile Workers; Dewar Ferguson, Secretary-Treasurer of the Canadian Seamen's Union; and Alec Reith, Grand Lodge Representative of the International Association of Machinists.

On March 10th, 1943 'Company Unions' were again reviewed by four guest speakers Mrs. May Love active in the urban co-operative movement for many years; Miss Mary McNab Treasurer of Local 79 of the Toronto Municipal Employees' Union; Mr. J. W. Buckley Secretary of the Toronto District Labour Council; and Mr. Ken Philp, active participant in both movements.

In reply to a recent enquiry the Canadian Broadcasting Corporation stated in part as follows:

"These weekly broadcasts are sponsored by National Labour Forum—an independent organization on which the C.B.C., the Trades and Labour Congress of Canada, and the Canadian Congress of Labour are equally represented.

"The time for these broadcasts is provided free of charge by the Canadian Broadcasting Corporation as part of its services to the public."

Therefore the taxpayers of Canada pay the cost of these weekly National Forum Broadcasts which must prove to be most valuable to the unions in furthering their membership campaign from coast to coast.

The unions, and particularly the C.I.O. group, are taking advantage of the unusual conditions which exist under the present national emergency, as they are aware that the production of most plants is urgently required for the prosecution of the war. The unions are aware that every decision must be measured in terms of how much it will contribute towards winning the war and they are also aware that by going on strike or threatening strikes, they may be able to force concessions which they would not otherwise receive, due to the fact that production is urgently required by the fighting services.

The actions of our industrial workers, under the leadership of the unions, indicate that our workers and their leaders must believe that we are engaged in a sham battle and not in a death struggle.

The Canadians who have joined the fighting services are offering to sacrifice everything, including making the supreme sacrifice, for the pro-



tection of those who stay at home and for the maintenance of our institutions, while the unions at home are taking advantage of the most critical times which Canada has ever experienced in order to further strengthen their position at the cost of other classes of Canadians. The average pay received by the men and women in the fighting services is far below the average wages received by industrial workers. The fighting services are not organized to bring pressure on the Government to increase their pay and, in any case, would not do so as their main objective is the winning of the war. The majority of industrial workers receive a substantial cost-of-living bonus, in most cases amounting to \$4.25 per week, in addition to their regular rate of pay.

Representations were made to Ottawa some time ago as to why those in the fighting services were not granted the cost-of-living bonus. As a result of the pressure brought on Ottawa, on behalf of the fighting services, a cost-of-living bonus was authorized of 60c. per week to married men with children, 32c. per week to a married man without children and no bonus to single men, although \$4.25 per week is now paid to a large number of industrial workers. The amount of the cost-of-living bonus authorized in January 1943 for the fighting services when compared with the increases in wages granted to industrial workers, the majority of whom already receive a substantial cost-of-living bonus, indicates that the pro-union bias of the Federal government may be accounted for by the pressure brought to bear upon it by union organizations and threats of strikes, as well as actual strikes.

In view of the recent strikes in war industries, usually called by unions affiliated with the C.I.O., it is of interest to refer to appeals made by members of the cabinet regarding strikes.

The attached is a copy of a report on a broadcast made by the Hon. C. D. Howe, Minister of Munitions and Supply, as printed in the Toronto Daily Star on September 12th, 1941. This appeal is so applicable to present day conditions that it warrants our consideration at this time. (See report immediately following this sheet.)

In the report of the convention of the Congress of Labour, printed in the Labour Gazette, reference was made in part to the address by the Minister of Labour, Hon. Humphrey Mitchell, as follows:

'In referring to the numerous small strikes which have occurred in Canada since the beginning of the war, Mr. Mitchell said "There have been too many small strikes in our country, stoppages of work for a few days. There is no justification for letting down the men who fight for us or who brave the hazard of the merchant marine. I do not care what arguments are advanced. There is no complaint big enough to warrant ceasing one day in making the munitions required by those who are fighting for us. We cannot have industrial strife or inter-union strife and make the contribution the Canadian people expect of us at this critical time".'

The recent steel strike, which caused the loss of a substantial volume of equipment urgently required by the fighting services and resulted in the government jeopardizing its wage and price control policies, was called by

C. H. Millard, National Director of the United Steel Workers of America (C.I.O.), Past President of the Ontario C.C.F., a present member of the C.C.F. Committee, nominated C.C.F. Candidate in West York Riding and Director of the Canadian Congress of Labour.

The strike was called following the report by the Barlow Commission to the Government on the wage situation in the Steel Industry.

The following quotation is from an article in the Financial Post of January 23rd, 1943, referring to the Steel Strike:

'One important political implication of the strike is the extent to which the C.C.F. party is tied to the matter. At every turn the strikers have been advised or counselled by men who are closely associated with the C.C.F. Jolliffe, Millard, Forsey and King Gordon are all tied closely to the strike and to the party. What farm and other C.C.F. elements in C.C.F. support will do and say when the implications of the strike blossom fully is a matter which may have far-reaching implications on Parliament Hill.'

Mr. E. B. Jolliffe, leader of the Ontario C.C.F., acted as counsel for the United Steel Workers of America, of which Mr. C. H. Millard is National Director. Mr. Millard's connections with the C.C.F. are referred to above. Eugene Forsey is head of Research of the Canadian Congress of Labour, and the above quotation indicates that he is also in the C.C.F. party.

The following is a copy of a report printed in the Toronto Daily Star on September 12, 1941.

'CANADA WARNED BY HOWE OF HARM STRIKES  
CAN DO

---

Likens "Illegal" Disputes Now to Soldiers  
Deserting in Battle

---

CAN'T AFFORD LOSS

---

'Hon. C. D. Howe, minister of munitions and supply, last night called on Canadian workers to stop strikes. In a reconsecration week address broadcast over a national network, he strongly condemned those who, he stated, are taking advantage of the urgency of wartime production to force workers to join a union to which they do not wish to belong.

"The workers in our factories, with few exceptions, are working well and loyally to produce munitions of war," Mr. Howe said. "The rate of output per machine is astonishing, when we consider that the majority of our munitions workers have had but short experience in production work. Canada has established an enviable reputation for high quality and sound workmanship. The only threat to our creditable production record is loss of output through industrial disputes.

There is little ground for an industrial dispute to-day. The gov-

ernment has established a basic wage for war industries—the highest wage rate of the last 15 years—and has added to it a cost-of-living bonus. Government conciliation machinery can be set in motion quickly to adjust differences as to working conditions, without interruption of employment. As a matter of fact, neither wages nor working conditions play an important part in present day labour disputes.

### Recognition Sole Motive

We are fighting this war in order that the true democratic principles, freedom of action and freedom of speech, may be maintained, yet we have certain labour leaders insisting forcefully that the workers shall not be permitted freedom of action, that employers shall not be free to discuss with individual employees or committees of employees any matters pertaining to their wages, hours or working conditions; that all such matters must be discussed only with a committee of the union, that the employees, even though unwilling to join the union, must pay dues thereto.

Canada cannot afford loss of production resulting from this type of dispute. An aroused public opinion can and should offer a formidable check to this type of activity. An illegal strike, in times such as these, is almost equivalent of desertion by a man in uniform in the face of the enemy.

We cannot falter in the great task before us. The defence of freedom must take precedence over every private aim and over every private interest. Forces of insane violence have been let loose by Hitler upon this earth. We must all do our full part in conquering them.

### Vast Expansion Made

The department of munitions and supply has been entrusted with the task of mobilizing Canada's full productive capacity for the manufacture of munitions and war supplies. As minister of that department, I feel that I can now report practical fulfilment of that task. Canada has taken responsibility for more war production than our factories can presently absorb. Canadian industry has co-operated fully, by expanding production as required, and by undertaking new types of production.

Notwithstanding the strong views that I have felt it necessary to express regarding strikes in war industries, I am certain that the great majority of men and women engaged in industry all over this country are patriotic to the core. I am sure that they, like our sailors and soldiers and airmen, will stop at nothing to rid this country, and free men and women everywhere, of the peril of Nazi domination. When the history of this war is written, I feel that Canadian industry and Canadian workmen, having had a major part in the overthrow of Hitler and his gang, can share the satisfaction of looking back on a great task well done". . . . .

King Gordon is a defeated C.C.F. candidate who, according to the



Financial Post, left a Montreal college to go with a U.S. Publishing House. King Gordon was the union's nominee on the Barlow Commission appointed to report on the wage situation in the steel industry and he wrote the minority report which was used by the union as an excuse for calling the strike which followed."

MR. NEWLANDS: Q. I do not think this is relevant to our enquiry, whether they were defeated candidates or successful candidates?

A. I think if you will bear with me I can show you the connection, sir.

"The reported settlement of the steel strike, which was negotiated by Mr. C. H. Millard with our Prime Minister, indicated that only a small gain was made by the union in the establishment of a minimum rate of 55 cents per hour. However, it is reported on what appears to be good authority that the settlement of the strike not only involved the establishment of the minimum hourly rate, but also an increase in the rates of practically all steel workers in the plant involved.

At a recent conference of representatives of the Canadian Congress of Labour, with Prime Minister MacKenzie King, Labour Minister Mitchell, and other cabinet ministers, at which requests were made for further concessions to the unions, Prime Minister MacKenzie King is reported to have stated as follows in reference to the recent strike in the steel mills:

"The strike, after all, was an illegal strike and, notwithstanding that and knowing I should be taken to task, nevertheless I took the larger view that circumstances had to be considered from every side and in view of the national emergency we should not stand on any ceremony."

In view of the arrangement made between the C.I.O. union and the Prime Minister of Canada prior to the steel strikers returning to work, the following extract from the March, 1943, issue of The Canadian Forum (C.C.F. publication) in an article headed "The Steel Strike is settled . . . Temporarily!" by Ross McEwan, is of interest:

"Politically the steelworkers have won a resounding victory. They have altered the whole wage control structure fundamentally. They have shattered the whole idea that wages are 'frozen' unless it can be proved that higher wages exist for the same type of work in the same type of industry within the same province. They have virtually liquidated Mr. Humphrey Mitchell as a power in Canadian government. Economically, however, they have not yet secured the sort of pay which they claim is the minimum under which effective steel production can be maintained."

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"While the steel workers were out on strike, their action was supported in statements made public by M. J. Coldwell, M.P., Leader of the C.C.F. party at Ottawa, J. W. Noseworthy, C.C.F. Representative for South York, Clarence Gillis, M.P. (C.C.F. Cape Breton South), and a Director of the Ontario C.C.F. Trade Union Committee, and other C.C.F. officials.

It is apparent that the C.I.O. unions and the C.C.F. officials co-operated in the calling of the strike as a means of breaking the wages ceilings and controls previously maintained by the government.

One result of the steel strike is shown by a dispatch from Stockholm, Sweden, published on January 19th in the New York Times, which reads as follows:

'German propagandists have seized on the steel strike in Canada to try to sow doubts in the minds of the Russian population. A German short wave announcer declared in the Russian language: "The Russian workers will doubtless appreciate this generous gesture of wartime co-operation. While the Russians strike back hopelessly but bravely by fighting, their Canadian brothers merely strike." The Germans attempted to create the impression that the labour dispute in Canada was a protest against the continuation of the war. They sought to worry the Red Army by saying that the steel strike had halted the production of tanks for Russia.

The broadcast was also put out in Swedish to weaken pro-Allied sentiment here.'

We might well question why the government permits strikes during war time, particularly in war industries. Will the concessions and encouragement granted to unions as a result of strikes and demands, help win the war? How will the government's appeasement policy toward unions affect Canada after the war?

As under war conditions every decision must be based on how much it will contribute towards the winning of the war, the injection by union representatives of considerations unrelated to that purpose is regarded as a threat to our war effort, and to the future of not only Canadian business, but all Canadian citizens. We may well question why there is an organized attempt to force the government to enact such labour legislation at this critical period when practically all economic phases of life are supposed to be under strict war controls. What organizations are behind this demand and how did the demand originate?

A review of the recent activities of the unions and the C.C.F. Party not only indicates the source of the demand, but also shows what organizations are the chief originators and sponsors of the proposed legislation.

The following extracts from reports are taken from the papers as shown in the marginal headings.

These reports show the definite hookup between the unions and the C.C.F. Party and indicates how these two groups are working together to further their power and influence in Canada, and particularly in Ontario.

*Globe and Mail—April 12/41:*

'C. H. Millard, President of the Ontario C.C.F., in addressing the C.C.F. Provincial Convention as reported in the *Globe and Mail* of

April 12th, 1941, stated in part as follows: "I do not believe that trade unions can succeed without expression through a political party," said Mr. Millard, who is also National Director of the Steel Workers of Canada, C.I.O., and a member of the National Labour Supply Board. "In other countries where they build strong trade union groups and fail to build a strong political party, the trade unions are not now in existence."

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*"Globe & Mail—April 4/42:*

'E. B. Jolliffe was elected Provincial Leader of the C.C.F. over M. R. Cotterill of Toronto at its Annual Ontario C.C.F. Convention. The labour platform included a resolution urging labour legislation to cover the following:

- (a) Compulsory recognition of and collective bargaining with the trade union chosen by the employees in any plant or industry, with severe penalties for employers contravening such law.
- (b) Outlawry of company unions.
- (c) Machinery for the enforcement of minimum wage and other labour-protecting legislation.'

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*"Toronto Daily Star—April 6/42:*

'At the C.C.F. Annual Convention Controller Sam Lawrence of Hamilton was re-elected President of the Provincial C.C.F., Prof. G. M. H. Grube, First Vice-President, and Andrew Brewin, Second Vice-President. Members of the Provincial Council named were:

Wm. Dennison, Toronto; Ald. Garfield Anderson, Fort William; E. B. Bennett, Niagara Falls; Miss M. Sedgewick, Toronto; W. C. Grant, Peterborough; E. R. Evans, Toronto; E. O. Hall, London; B. E. Leavens, Toronto; David Lewis, Ottawa; F. C. Madill, Toronto; M. T. Maguire, Kirkland Lake; Miss K. Morris, Toronto; J. W. Noseworthy, South York; Mrs. C. Riley, Toronto; J. W. McVey, Sudbury; John Mitchell, Hamilton; R. E. K. Pemberton, London; Allan Schroeder, St. Catharines; John Walter, Kitchener. Representatives elected to the National Council were C. H. Millard and Professor Grube.'

*Globe & Mail—June 20/42:*

'At a West York C.C.F. Convention, C. H. Millard, Canadian Director of the United Steel Workers was chosen the party candidate in West York Riding by acclamation. Mr. Millard, in his speech of acceptance of the nomination, in speaking of Premier Hepburn, stated as follows: "Never in the political history of Ontario has there been an easier man to beat", said Mr. Millard, "because by their works ye shall judge them".'

*Star—July 25/42:*

'Provincial representatives of the A.F. of L. and the C.I.O. met in conference sponsored by the C.C.F. as a prelude to the National C.C.F. Convention. Chairman of the morning session was Col. Sam Lawrence,



A.F. of L. spokesman, with John Mitchell, Director District No. 6, Steel Workers Organization Committee, C.I.O. presiding in the afternoon.'

*Star—July 27/42:*

'One hundred and fifty-seven delegates from 62 Ontario locals of 39 national and international unions voted Saturday to affiliate with the C.C.F., M. J. Coldwell, M.P., here for the party's Convention which opens to-day, announced. The vote followed a day of closed sessions in the Labour Temple and was carried with only one delegate dissenting, Mr. Coldwell said. Mr. Coldwell hailed the move as one of the most significant in Canadian political history. It means a hitherto penniless party would have some funds with which to carry on, he explained. "This support will be valuable not only in terms of voting strength" he said, "While we do not anticipate any large contributions from the unions, naturally we shall receive some very valuable financial assistance." Mr. Coldwell stated that the C.C.F. wanted the labour movement to have a share in forming the party's policies and he asked the delegates to go back to their unions and find out what they wanted. "The C.C.F. is on the move," said Mr. Coldwell. These unions were both A.F. of L. and C.C. of L. and there was complete unanimity in all deliberations. The vote stated that where affiliation was precluded by union constitutions there would be co-operation with the federation'."

THE CHAIRMAN: If the C.C.F. is elected we shall not need to worry about profits because everything will be for the State. We are all going to be a big happy family if the C.C.F. get elected, and there will be nothing to worry about. I cannot see so far in the brief, Mr. Lang, that has anything to do with collective bargaining. If you have any representations to make on the wisdom or lack of wisdom of collective bargaining legislation, I think the members of the Committee would like to hear it?

A. It is interesting to trace the source of collective bargaining.

Q. They have had collective bargaining legislation in the different provinces of Canada long before the C.C.F. was ever heard of, and they may still have it after the C.C.F. has gone into the limbo of forgotten things in the course of time, as we all do.

A. The source of collective bargaining legislation is outlined in the brief.

Q. For instance, I see at the head of page 22 you say that a collective bargaining act was drafted by Mr. F. A. Brewin, vice-president of the Ontario C.C.F.?

A. Yes.

"To implement the Conference's decisions a continuations committee was set up consisting of the present C.C.F. Trade Union Committee and 31 members elected by the meeting. Of this Committee F. W. Dowling is the chairman and M. Sedgwick is Secretary.

Among the members of the Trade Union Committee are:

John Mitchell, Hamilton, United Steel Workers.

William Dunn, Toronto, District Labour Council.

William T. Gilmour, International Union of Operating Engineers.

T. F. Stevenson, Canadian Electrical Trade Union.

Jock Marshall, Shoe Workers Union.

Max Federman, Toronto Furriers' Union.

B. E. Leavens, International Upholsterers' Union.

Ernie E. Evans, C.C. of L.

Frank Smith, International Photo-Engravers' Union.

C. H. Millard, Steel Workers' Organizing Committee.

Robert Miller, Boilermakers' Union.

Arthur Williams, C.C. of L.

Walter Humphrey, National Union of Carpenters, Bricklayers & Allied Building Trades.

Eileen Tallman, Office & Professional Workers' Union.

Controller Sam Lawrence, International Brotherhood of Stonecutters.'

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Those elected at the Conference were:

Tom Flanagan, Stratford; A. H. Braden, Toronto; C. E. McLaren, North Bay—International Association of Machinists.

Sol Spivak, Lewis Palmero, Toronto—Amalgamated Clothing Workers of America.

Hyman Langer, M. Finer, Toronto—International Ladies' Garment Workers' Union.

A. Sargent, Oshawa—United Automobile Workers of America.

Wm. Furnerfull, Toronto; A. H. Thompson, Guelph; P. Cheatley, Hamilton—International Street Railwaymen's Union.

Harvey Willoughby, Wm. Mahoney, Sault Ste. Marie—United Steel Workers of America.

Howard Mitchell, Mimico—United Rubber Workers of America.

R. Garden, W. L. Watt, Toronto—Typographical Union.

Russell Harvey, Toronto—International Photo-Engravers' Union.

V. Valin, Toronto—International Upholsterers' Union.

M. C. Smith, London—Shoe and Leather Workers' Organizing Committee.

B. Dempsey, Toronto—Textile Workers' Organizing Committee.

J. Robinson, Toronto—Canadian Electrical Trades Union.

R. C. Gray, St. Catharines—International Brotherhood Carpenters and Joiners.

S. Kronis, Toronto—International Pocketbook Makers' Union.

H. Weiner, I. Drucker, Toronto—International Millinery Workers' Union.

H. R. Thompson, A. M. Brown, Toronto—Amalgamated Lithographers of America.

F. Wagenblass, North Bay—Brotherhood of Railway Carmen.

S. E. Fagen, Toronto—United Hatters, Cap and Millinery Workers.

C. E. Fulton, Guelph—International Moulders and Foundry Workers.

James Faulkner, London—Federal Union Trades and Labour Congress.

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*"Star—July 29/42:*

'The National Convention of the C.C.F.—extract from report on proceedings—"We want the equivalent of the Wagner Act in Canada which will outlaw company unions" declared Mr. McInnis when C. H. Millard introduced a resolution which demanded the compulsory recognition of trade unions chosen by a majority of the employees, enforcement of collective bargaining, extension of the right to organize and bargain collectively to employees in all government-operated plants and services, changes in the Criminal Code and representation of labour through its unions upon industrial boards and commissions.'

*The New Commonwealth—National Convention Supplement—August, 1942:*

'A summary of the above resolution was shown as follows:



A. Compulsory recognition of bona fide trade unions and the enforcement of collective bargaining.

B. The extension of the right to organize and bargain collectively to employees in all government-operated plants and services.

C. The replacement of Section 502A of the Criminal Code by effective guarantees against victimization and discrimination.

D. Equitable representation of organized labour through its unions upon industrial boards and commissions.'

The March 1943 issue of *The Canadian Forum*, in an article headed 'The Ontario Collective Bargaining Act' written by F. A. Brewin, Vice-President of the Ontario C.C.F., referred to the 1942 convention in part as follows:

'At the end of July, 1942, with an election the offing, a well-attended and representative conference of trade union delegates met in Toronto, decided to recognize the C.C.F. as the political arm of labour and to recommend affiliation to their local unions where constitutional limitations did not prevent it.'

*Star—September 9/42:*

Reporting on a C.C.F.-Union meeting, it was reported in part as follows: Plans for the organization of all trade unions in Ontario to co-operate with the C.C.F. party for 'political action' were discussed at the meeting of the C.C.F. and Union officials last night. 'Ontario is the key province to political power in Canada,' Clarence Gillis, M.P. (C.C.F., Cape Breton South) told the meeting. 'We realize no progressive movement can function in Canada without Ontario. I am here to assist in the affiliation of trade unions with the C.C.F. . . . The Conference of July 25th was the biggest thing in labour in many years,' Mr. Gillis said.'

*Star—November 25/42:*

'Hon. C. D. Howe said in a Winnipeg North-Central Federal By-election address at Winnipeg that the C.C.F.-C.I.O. relationship was unfortunate so far as parliament is concerned. He said the C.C.F. had been made the official representative in Parliament of the C.I.O. in Canada.'

*Globe and Mail—January 8/43:*

'"More than 25 local unions with a strength of more than 20,000 members are now affiliated with the Socialist C.C.F. party in Ontario", Clarence Gillis, M.P., Director of the Ontario C.C.F.—Trade Union Committee, told a gathering of members. Mr. Gillis, brought here from Nova Scotia early last September by the Trade Union Committee to organize unions behind the C.C.F., has been travelling throughout the province for the last four months and said he had addressed 137 meetings.'

*Saturday Night—March 11/42:*

Extracts from an article entitled 'Labour Union-C.C.F. Fusion in Ontario' by Conroy Cunliffe:

'... But what interested them most was the story of "Clarie" Gillis. He told how his union, the United Mine Workers in the Maritimes—tightest organized group of unionists in any Canadian trade or industry—had affiliated themselves directly to the C.C.F. and were taking direct and successful political action. Speaking not only as a C.C.F. M.P., but as a union member of one of Canada's oldest and most powerful unions, he urged the delegates to take similar action in Ontario.'

'Mr. Gillis, with the permission of his Maritime unionist constituents, remained in Ontario as Director of the Trade Union Committee. His work was financed by a special fund raised by those unions taking part in the Toronto conference. During the fall of 1942 he ceaselessly toured the province, speaking to union locals, plugging the idea of direct union affiliation to the C.C.F. Reporting to a meeting of the Committee before his departure he revealed that, as a result of his work, some 20,000 Ontario Unionists were now affiliated with the party through their unions.'

'The roster is quite impressive. The powerful Garment Trades organizations, both A.F. of L. and C.I.O. brands, are in. The aristocratic Toronto printing unions now pay monthly per capita to the C.C.F. The senior Algoma local of the powerful C.I.O. United Steelworkers is affiliated, together with numerous other A.F. of L., C.I.O. and national union locals.'

'But the C.C.F. has the advantage of the initiative and an inside track. Its labour support is of long standing. It promises the unionists a set-up through which they can take power into their own hands rather than depending upon political favours.'

A Collective Bargaining Act was drafted by Mr. F. A. Brewin, Vice-President of the Ontario C.C.F., and was forwarded to the Honourable Peter Heenan by F. W. Dowling, Chairman of the C.C.F. Trade Union Committee, and International Representative of the Packinghouse Workers' Organizing Committee, with a letter in which it is reported he stated as follows:

'The C.C.F. is the political arm of the labour movement . . . and that the draft Bill had been submitted to three or four hundred local unions throughout Ontario . . . all had given warm approval.'

This draft, which is printed in the March issue of the "New Commonwealth," is referred to in that publication as follows:

'The Act drafted by the C.C.F. is the expression of the united will of organized labour in this province and it will be a basis for immediate legislative action by the C.C.F. as soon as it is elected to power. . . .

Only one concrete plan for a Collective Bargaining Act has actually seen the light of day . . . the draft Bill prepared by the C.C.F. in co-operation with all sections of organized labour. There at least is something solid for labour to think about and work for. At the next election, the C.C.F. Bill will be a vital issue.'

The following are extracts from the draft collective bargaining Act prepared by the C.C.F.:

'Define company union as follows:

"A company union shall be any organization of employees over which an employer, directly or indirectly, exercises any control or domination, or to which an employer or his agent contributes or has contributed financial or any other support."

Constitution of Board. There shall be a board known as the Ontario Labour Board composed of three members appointed by the Lieutenant-Governor in Council. At least two of such members shall be persons in good standing in a union.'

'It shall be an unfair Labour practice for an employer

- (a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in Section 5;
- (b) To promote, assist in the promotion of, recognize, or in any way deal with a company union.
- (c) To dominate or interfere with the formation or administration of any Labour organization.
- (f) To refuse to bargain collectively with the representatives of his employees designated under the terms of this Act, whether or not such representatives are in his employ.'

A copy of the C.C.F. collective bargaining Act, which among other things provides for compulsory pay deductions or check-off, is attached for your information.

It is apparent that the C.C.F. and the unions are co-operating in every way possible in order to secure legislation which will make it possible for the Unions and the C.C.F. party to rapidly gain members and power.

#### C.C.F. COLLECTIVE BARGAINING ACT TEXT OF BILL

Whereas the present struggle against world Fascism requires the utmost productive effort of industry in Ontario; and

Whereas the well-being of the people of Ontario after the conclusion of the war also depends upon industrial democracy and the organization of workers into trade unions of their own choice; and



Whereas there have been obstacles to such industrial democracy in Ontario, including the open and tacit refusal by certain employers to accept the procedure of genuine collective bargaining; and

Whereas effective machinery to enable and enforce collective bargaining is essential to promote the utmost productive effort and to remove causes of fear, insecurity and industrial strife in Ontario;

It is Hereby Declared to be the policy of the Province of Ontario to encourage the practice and procedure of collective bargaining and to protect the exercise by workers of full freedom of association, self-organization and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment, or other mutual aid or protection:

Therefore Be It Enacted by the Lieutenant-Governor and Legislative Assembly as follows:

1. This Act may be cited as The Ontario Labour Act.

2. Definition Section. Define person, employer, employee. (Employee to include any individual whose work has ceased as a consequence of or in connection with any current Labour dispute or because of any unfair Labour practice; also to include provincial and municipal government employees, employees of government boards, Crown companies and public commissions; teachers. Define unfair labour practice. Define trade union; labour organization; labour dispute. Define company union as follows:

'A company union shall be any organization of employees over which an employer, directly or indirectly, exercises any control or domination, or to which an employer or his agent contributes or has contributed financial or any other support.'

3. Constitution of Board. There shall be a board known as the Ontario Labour Board composed of three members appointed by the Lieutenant-Governor in Council (Cabinet). At least two of such members shall be persons in good standing in a union. The members shall be appointed for a term of three years and shall not be removable except for neglect of duty or malfeasance in office. The salary of the members of the Board shall be \$..... and the members of the Board shall be eligible for reappointment. The Board may appoint an Executive Secretary and such attorneys, examiners, regional directors and other employees as it may from time to time find necessary for the proper performance of its duties. The Board may establish and use regional, local or other agencies and utilize voluntary and uncompensated service as may from time to time be needed. The principal office of the Board shall be in the City of Toronto, but it may meet and exercise any or all of its power in any other place in Ontario. The Board may, by one or more of its members, or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of Ontario, and such member or members or appointees of the Board shall, when prosecuting such an inquiry, have the powers of, and be subject to, the duties of a person appointed to make an inquiry under The Public Inquiries Act.

4. The Board shall have power to make rules and regulations to carry out the provisions of this Act.

5. Rights of employees.

Employees shall have the right to organize in and to form, join or assist labour organizations and to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.

6. It shall be an unfair labour practice for an employer,—

(a) to interfere with, restrain, or coerce employees, in the exercise of the rights guaranteed in Section 5;

(b) to promote, assist in the promotion of, recognize, or in any way deal with a company union;

(c) to dominate or interfere with the formation or administration of any labour organization;

(d) by discrimination in regard of hire or tenure of employment or any term or condition of employment, to encourage or discourage membership in any labour organization, subject, however, to the right of an employer to enter into an agreement with a labour organization not being a company union, and to require, as a condition of employment, membership therein, if such labour organization is representative of the employees as provided herein;

(e) to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act;

(f) to refuse to bargain collectively with the representatives of his employees designated under the terms of this Act, whether or not such representatives are in his employ;

(g) to maintain a system of industrial espionage, or employ or direct any person to spy upon or report the proceedings of a labour organization or the officers thereof, or the exercise by employees of the rights provided by Section 5 hereof;

(h) to threaten to discharge, demote, transfer, blacklist or impair seniority rights of any employee in connection with the exercise by such employee of the rights conferred by this Act;

(i) to threaten to shut down or move a plant in the course of a labour dispute;

(j) to interfere in any manner with the conduct of an election of an officer or officers of a labour organization or trade union or of the representatives of employees;

(k) to offer or to give bribes or gratuities, or otherwise engage in acts of favouritism in return for cessation of union activities or the commencing of anti-union activities;

(l) to enter into negotiations with or to solicit individual employees to cease union activities, or to resign from the union, or to refrain from striking, or to join a company union.

7. (a) The representatives designated or selected for the purposes of collective bargaining by the majority of the employees in the unit appropriate for such purposes shall be the exclusive representative of all employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment.

(b) The Board shall decide whether the unit appropriate to effectuate the policies of this Act and for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof.

8. The Board shall determine, after notice by registered mail to an employer and to any labour organization affected, the facts in regard to any complaint made to it that an employer or employers have been guilty of unfair labour practices and may make orders either dismissing such complaint or requiring the employer or employers to refrain from such unfair labour practices where such practices have been, or are, in the opinion of the Board, likely to be committed. The Board shall also be empowered to make affirmative orders, including orders to treat as void any agreement with a company union, to disestablish any company union to enter into negotiations with and sign a written agreement embodying terms of agreement with the representatives designated by the majority of employees for a unit, as set out in paragraph 7 hereof.

9. When a complaint is submitted to the Board, a date for hearing shall be fixed not later than 30 days thereafter. It shall be the duty of the Board to render a decision within thirty days after completion of the hearing.

10. The order of the Board shall be sent by registered mail to the employer or employers concerned forthwith after the making thereof and shall be filed in the Registrar's Office of the Supreme Court of Ontario in the county in which the unfair labour practice took place, or is alleged to have taken place, or at the Central Office in Osgoode Hall in Toronto. Such order shall, after the expiration of ten days from the date of filing be deemed to be confirmed and binding unless an appeal has been taken therefrom in accordance with the provisions of this Act.

#### Appeal

11. Any employer, employee or labour organization affected by an order of the Board may, within ten days from the date of filing of such order, appeal by notice in writing, setting out the grounds of such appeal, to the Court of Appeal of Ontario. The appeal shall be heard, if possible, in the month filed, but, if not, in the following month by a single Judge of the Court of Appeal of Ontario designated for the purpose by the Chief Justice of Ontario. Such appeal shall not be on the facts or on the merits and the appeal shall be dismissed unless the Judge finds:—



- (1) The Board has acted outside the statutory jurisdiction conferred on it;
- or
- (2) The Board failed to give the employer or labour organization affected a fair and reasonable opportunity to present a case to the Board;
- (3) The Board acted from bias or other improper motives.

In the event of such finding, the Judge may remit the case to the Board for rehearing, or dismiss the application to the Board.

#### Enforcement

12. After an order of the Board is confirmed, or if the order is under appeal but the Minister of Labour has directed that it be binding and effective notwithstanding the appeal on the ground that the appeal is for the purpose of delay or otherwise frivolous, or that for any other reason the order should be promptly enforced, then such order is to be equivalent to a judgment of the Supreme Court of Ontario and any person refusing to comply with the same or aiding or abetting any person in non-compliance with the same, in addition to all other penalties or procedures for contempt of court, shall be guilty of an offence punishable on summary conviction by a fine of not more than One Thousand Dollars (\$1,000.00) and/or imprisonment for a term not exceeding one year.

#### Compulsory Pay Deductions or Checkoff

13. Deductions shall be made by an employer from the wages of employees for periodical payments to a union;

(a) If the officers of such union make application to the Minister of Labour after the taking of a vote of the union membership to ascertain the wishes of the union membership in respect of such deductions and a majority of the union membership, upon such vote, are in favour of making such deductions. The employer shall then make such deductions from the wages of all union members, provided, however, that any individual member may make written request to the employer that such deduction shall not be made from his wages.

14. Nothing in this Act shall be construed as interfering with or diminishing in any way the right to strike.

15. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it has been held invalid shall not be affected thereby."

"J. W. Noseworthy, C.C.F. representative for York South in the House of Commons, addressed a mass rally of all unions in the Windsor area recently, and was reported to have strongly urged support of the proposed Collective Bargaining Bill but warned labour against accepting the inclusion

of any clauses for incorporation of unions. He is also reported to have stated as follows:

'The C.C.F. has 25 local unions in Toronto definitely affiliated with us and 39 in the rest of the province, representing 45,000 Ontario workers.'

Mr. E. B. Jolliffe, Ontario Leader of the C.C.F. is reported on March 10th, 1943, to have made the following statements to 300 members of the Shoe and Leather Workers' Union at London, Ontario:

'A collective bargaining Bill may be passed during the present sitting of the Ontario legislature, but unless the Bill prohibits company unions there will be no true collective bargaining.

' "If you don't get real collective bargaining out of this session of the Legislature, you will get it next time if you elect sufficient C.C.F. members," Mr. Jolliffe promised.'

The tactics used by the unions and the C.C.F. in urging the adoption of labour legislation are indicated by the resolution passed by the Toronto City Council on February 22nd, 1943, calling upon the provincial government to enact a Collective Bargaining Bill. The Council also passed a rider authorizing a copy of the resolution to be sent to cities and towns in Ontario asking endorsement, and it is assumed requesting similar action. Those who were reported to have spoken at the Council Meeting in support of the motion included Alderman J. S. Salsberg, Communist-supported candidate, and Aldermen Rev. John Frank and William Dennison, both of whom were endorsed and backed by the C.C.F. in the last election.

Undoubtedly the unions make many demands for higher pay in order not only to absorb increased living costs and union dues, but also to cover war taxes and enforced savings, as indicated in a resolution at the C.I.O. Convention in September, 1942. In effect, the union workers in this way are trying to pass what should be their share of the war sacrifice to the employer, who in turn must pass it on to the consumer, and therefore, ultimately, to the community as a whole. In this way the organized sections of the workers benefit at the expense of other workers, farmers, consumers and all taxpayers. There is no union protecting the interests of the vast body of unorganized citizens who pay tribute to unionized workers if their demands are won by the use of power politics, strikes and threatened strikes.

The report published in the October, 1942, issue of the Labour Gazette, covering proceedings at the Annual Convention of the Canadian Congress of Labour (C.I.O.) held in Ottawa in September, 1942, reported a number of resolutions which were submitted to the Convention and adopted, including the following:

'That adequate minimum wages be paid all workers in industry, to be arrived at through full collective bargaining, and that these be established, taking into consideration the impact of taxes, etc.

Establishment of industry-wide stabilization in each of the key industries, auto, steel, shipyards, etc.'

Continuing, the report stated as follows:

'Collective Bargaining

There were nineteen resolutions presented dealing with the subject of collective bargaining. The Convention adopted a substitute resolution which reads as follows:

(1) That this Convention maintains that industrial democracy is a solution to industrial strife and disharmony.

(2) That this convention declare itself in favour of Dominion legislation similar to that contained in the National Labour Relations Act of the United States, which gives full protection to workers who by majority vote in a given plant choose a bona fide labour union as their bargaining agent; and which Act outlaws company unions and makes collective bargaining and signed contract compulsory on the employer, and which Act further provides for proper administration and appeals in which labour is given full and equal representation.

(3) That the incoming Executive be instructed to prepare a specimen Act along these lines containing the democratic feature of the National Labour Relations Act of the United States and press upon the Government for its immediate enactment.

(4) That this draft Act be immediately distributed to all affiliated unions of this Congress, in order that the most advantageous action be taken to enlist the full support of the public for its implementation.

(5) That this Congress call upon the Government to set an example of genuine industrial democracy for victory in this war within the meaning of P.C. 2685 by immediately guaranteeing collective bargaining and signed union contracts in Government owned and operated plants.'

The report included among others a further resolution adopted by the Convention as follows:

'Expressing appreciation of the C.C.F. members in the House of Commons for the assistance given to labour and advising affiliated unions to study the C.C.F. programme.'

The unions, through demands upon the government, have secured since the declaration of war legislation which has made it possible for them to rapidly extend their membership and power, which has been reflected in a number of strikes in war industries.

Order in Council P.C. 2685, dated June 19th, 1940, enunciated certain principles for the avoidance of labour unrest during the war, and recom-



mended such principles to employers and employees in the belief that their adoption would make for the avoidance of industrial strikes during the war.

The following are extracts from P.C. 2685:

That every effort should be made to speed production by war industries.

That there should be no interruption in productive or distributive operations on account of strikes or lockouts.

That employees should be free to organize in trade unions, free from any control by employers or their agents.

That employees, through the officers of their trade union or through other representatives chosen by them, should be free to negotiate with employers or the representatives of employers' associations concerning rates of pay, hours of labour and other working conditions, with a view to the conclusion of a collective agreement.

That every collective agreement should provide machinery for the settlement of disputes arising out of the agreement, and for its renewal or revision, and that both parties should scrupulously observe the terms and conditions of any agreement into which they have entered.

That workers, in the exercise of their right to organize, should use neither coercion nor intimidation of any kind to influence any person to join their organization."

MR. A. A. MACLEOD: Q. What were the advantages accruing to the trade union movement from P.C. 2685?

A. That I will cover in just a moment.

"Order in Council P.C. 10802, dated December 1st, 1942, provided the basis on which collective bargaining may be entered into by 'crown companies' with their employees who are properly chosen representatives of a trade union to which the majority of employees of such company belong. The principles as established by P.C. 2685 are referred to in this order. It defines trade unions on a fair and sound basis, as follows in Section 1 (C):

"'Trade union' means any combination of employees formed for the purpose of regulating relations between employers and employees but shall not include any such combination which denies membership to any person on the grounds of citizenship, nationality, race, creed or colour.'

The real question which we must keep before us is the place of unions in Canada and the effect of union policies on the future growth of Canadian industry and the welfare of all Canadians. Unions such as the C.I.O. affiliates are reaching the stage where, instead of representing solely the good of their members, they are supporting the interests of the union leaders. In such cases the organizations and the leaders are becoming more important

than the members, and pro-labour legislation and government regulations are promoting that trend.

The labour legislation asked for by the unions and the C.C.F. would give the unions a monopoly, to the exclusion of all other organizations, in representing Ontario workers and would be a means by which the unions could force the large majority of the Ontario workers to join a union. It would, no doubt, place all workers, union funds and all industry under the direct control of union leaders and, indirectly, under the leaders of the C.C.F.

The workers must have the say as to what kind of organization is to serve their interests and no legislation should give any particular group or type of organization undue advantage over others.

Unions naturally object to what they term 'company unions' and would like to have them outlawed, just as many business organizations would like to have a competitor put out of business if it were possible to do so. The unions claim that a worker in choosing the organization to represent him, should be free from any influence by his employer, whereas it is the union organizers who excel in the use of unfair tactics, such as promising to secure wage increases in defiance of government regulations and influencing workers to join the union by coercion and intimidation.

The unions in their presentations appear to work on the theory that there can be no harmonious relations between employer and employee unless the workers belong to a union. However, employee-employer relations usually do not involve any great difficulties where the employers are fair, employees reasonable and union agitators absent.

In a great number of briefs presented by the unions, stress has been laid on the necessity for legislation in order to provide machinery for clearing up workers' grievances and unsatisfactory conditions created by the employer which lead to strikes and threatened strikes in war industries."

THE CHAIRMAN: Q. Mr. Lang, the Committee is getting restless. We have sat here for three weeks and have heard every argument you have set out here some ten or fifteen times. Representatives of the unions quite frankly said they were affiliated with the C.C.F. That is their democratic right. If they desire to contribute financially to the C.C.F. or the C.C.F. can help them financially, that is their business. We quite understand your point of view, perhaps better than you can understand ours, because we have sat here day after day and have listened to all the arguments pro and con with regard to collective bargaining. We have heard the Canadian Manufacturers' Association representative tell us that if the collective bargaining Bill is passed we will have strife, ill-will and chaos, and we have heard the representatives of various unions say that if the collective bargaining Bill is passed we will have strife, ill-will and chaos. If you have anything new to offer, we shall be glad to hear it.

A. I think there is something new here, sir.

"An instance of this is the brief submitted by Mr. C. S. Jackson of the United Electrical Radio Machine Workers of America, which stated in part as follows:

'We implore you to recognize the dangers of interruption of production arising out of the many acts of intimidation, discrimination and outright provocation (by the employer) which are prevalent in the war plants of this country.'

What is the cause of dissatisfaction among employees which leads to strikes? Strikes and threatened strikes are the result of the work of union organizers in practically all instances. It is most unusual to hear of a strike being threatened in a plant where union organizers are not present.

What are the conditions leading up to strikes? Unions, in making a drive to organize the workers in a plant, usually operate on a 'dollar psychology' and, in most cases, promise the men that, if they join the union, they will secure for them higher wages, vacations with pay and other benefits, although many of such promises are in defiance of the law and the government."

Q. We have heard those arguments twenty times, anyway. I could give you every argument pro and con at the end of the first week, I think?

A. Then:

"During the drive for membership the tactics are usually varied to meet the circumstances and the attitude of the individual worker. It is not uncommon for the unions to attempt to intimidate the workers by advising them that, if they do not join the union, they cannot stay on the job. Workers appear to believe that the union organizer has some mysterious power and are therefore easily intimidated. When unions are organized in a plant, the workers are asked to sign a membership application or card by which they become members of the union, although the unions seldom attempt to collect dues until they have definitely secured some benefit which has been promised to the prospective members.

When the union has secured a number of workers as members it is then necessary for it to endeavour to negotiate with the management in order to secure wage increases or other benefits which have been promised to the men by the union organizers. If the management does not recognize the union, or, through the union representations, give concessions to the unions, then the union usually threatens to strike or calls a strike in an endeavour to force the management to meet its demands.

In many cases, due to government controls on wages, the unions will not come out directly in the first instance with a demand upon management for increased wages, but will demand that the management recognize the union as the collective bargaining agency of the workers and very often strikes are called strictly on the basis of securing recognition. If the unions are successful in securing recognition as the workers' collective bargaining agent, then they are in a position to make demands for increased wages, holidays with pay and other concessions.

The unions, which represent a minority of Ontario workers, are now demanding legislation which would make it compulsory for all management



to enter into collective bargaining agreements with the representatives of organizations chosen by a vote of the workers.

\* If any legislation along the lines requested by the unions is enacted, the unions would no doubt immediately proceed to endeavour to unionize all plants, choosing first the larger war plants, where large numbers of workers, many new to industry, are engaged in war work. After a plant has been organized to the point where the union feels that it is safe to do so, an election would be demanded to determine the organization to represent the employees. The union would organize a high-pressure pre-election campaign and would, no doubt, make promises to the workers of increased wages and other benefits, and the workers would have no means of knowing whether such promises could be fulfilled. The unions ask for legislation which would make it impossible for an employer to interfere in any way with the conduct of the election or to speak to his employees or advise them on the question of the organization which should be chosen to represent the employees. Therefore, such elections would be entirely one-sided affairs with little doubt as to the outcome.

If, under the proposed legislation, the employer is compelled to bargain with the union and the union does not secure everything it demands, the union could then bring the matter before a war labour board or other committee or government representative for decision or direction, fully aware that the majority of such decisions would be in its favour due to the pro-union legislation.

The unions are asking for labour legislation which defines unfair labour tactics only in terms of what the employer may or may not do. In view of the extreme methods and tactics which may be resorted to by the unions, any such legislation should give employers equal rights with those of the unions and also protect the worker against the unfair tactics of the unions."

Then I give you a reference to the conditions in the United States under the Wagner Act.

Q. We have had a lot of evidence on that?

A. Yes.

#### "GROWTH OF UNIONS IN THE UNITED STATES

In the United States of America the great union revival in the thirties had both government inspiration and support, and employers have been practically powerless to influence its consistent progress under government sponsorship. With the passage in 1935 of the National Labour Relations Act, often referred to as the Wagner Act, the employer lost his right to contact his workers directly in exchanging viewpoints on issues vital to both employer and employees. That right is a union monopoly under the Wagner Act and the operation of the War Labour Board. In the United States business is being coerced by unions' growing influence in government. Not only has union been given a definite advantage in bargaining, but it has been given such powers that it dictates its own terms in collective

negotiations. Management lost the initiative in employer-employee relations under the Wagner Act and management is now being opposed in labour affairs by the combined forces of unionism and government. The Wagner Act outlawed any union or employees' organization favoured, supported, or assisted in any way by the employer, thus bringing to an end the opportunity for employers to work out a solution of their employer-employee relations problems without interference from outside. From that time on, the initiative for establishing organized collective forms of employee relations passed to professional unions.

In the United States the unions, which have experienced rapid growth under government sponsorship, are now in the position where they not only dictate to individual companies and industries, but also attempt to dictate to, and if necessary force the government to do their bidding.

The reported contribution of \$500,000 to the Democratic Campaign by John L. Lewis' United Mine Workers Union (C.I.O.) some years ago indicates the power of such a union in its political lobbying.

The attached copy of an extract from a February 1st, 1943, bulletin of the International Economic Research Bureau of New York, covers a review of the present position of the workers, unionism and industry in the United States, after operating under the Wagner Act since 1935."

Then on page 31 there is an extract from "International Economic Research Bureau," bulletin of February 1, 1943, and at page 32 a report of the proceedings of the National Labour Forum on March 3, 1943.

I am sorry if I have worried you, sir.

THE CHAIRMAN: We are just about exhausted; that is all.

Witness withdrew.

MR. FURLONG: The next item on the agenda is a brief from the Canadian and Catholic Confederation of Labour, Inc. I asked the Federation to be brief, and they have obliged us by sending in a two-page document to be filed. It is very much in favour of collective bargaining. At the moment I will read two paragraphs from page 2:

"1. The two great labour liberties, in our opinion, are the freedom of association, and the freedom of coalition;

2. The freedom to join a union does suppose, at the same time, the right to choose the union of one's own choice, and the right to resign from it;"

I ask that that brief be extended into the record of the proceedings.

EXHIBIT No. 186: Submission by The Canadian and Catholic Confederation of Labour, Inc., 19 Caron Street, Québec City, P.Q., on labour unions and collective bargaining:

"Mr. Chairman,  
Gentlemen,

The Canadian and Catholic Confederation of Labour, although most of its fifty thousand members are workers of the province of Quebec, has however few hundred members in the province of Ontario, in the printing and building trades, and beg to submit the present brief to the committee of the Ontario Legislature appointed to study collective bargaining.

Our organization is grateful to the chairman of the Committee and his colleagues to have granted us this opportunity of expressing our views on labour unions and collective bargaining.

Ontario and Quebec are admittedly the two main industrial provinces of Canada. We feel that a closer co-operation between these provinces has resulted from the more frequent contacts that have taken place during the last years between the Labour Departments of Ontario and Quebec, and between employers' and employees' organizations.

Although different, the labour legislation in both provinces is leading gradually to embody certain basic and similar principles with due regard, in their application, to the mentality, traditions, social and economic situation of each province. And we feel that the labour regulations in each province will more and more benefit particularly to industries undergoing inter-provincial competition such as textile, glove, furniture, clothing, boot and shoe, etc.

When similar industries in both provinces will have been regulated through the agency of their provincial legislation, it is the opinion of the the Canadian and Catholic Confederation of Labour that the Labour Departments concerned could successfully arrange to have inter-provincial conferences in such industries. Representatives of employers' and employees' organizations attending those conferences would exchange the experiences that each province has gone through as well as the results obtained.

In connection with labour unions and collective bargaining, the Canadian and Catholic Confederation of Labour is in favour of compulsory incorporation and compulsory collective bargaining. But we think that, on such important matter as compulsory incorporation (and leaving collective bargaining to be dealt with by Provinces), a federal-provincial conference should be called to explore the subject and work out a draft based on general principles agreed upon, which will pave the way for provincial legislation as uniform as possible, taking into consideration the conception and characteristics of each province in connection with labour organization and collective bargaining.

The Canadian and Catholic Confederation of Labour believes that, in all such measures, whether the Dominion or a province passes a legislation,



the two great labour liberties (freedom of association and freedom of coalition) should be fully maintained and protected, and, in this connection, submits the following suggestions:

1. The two great labour liberties, in our opinion, are the freedom of association and the freedom of coalition;

2. The freedom to join a union does suppose, at the same time, the right to choose the union of one's own choice, and the right to resign from it;

3. The existence of any labour union properly constituted does include, we believe, the right to official recognition, the right of having delegates freely chosen to meet the employers, and the right of negotiating on behalf of its members;

4. Consequently, the law, in our opinion, should compel employers to recognize legally constituted unions, to welcome their authorized representatives and to negotiate collective labour agreements;

5. When only one labour union exists in a plant, this organization should be permitted by the law to conclude a closed shop agreement through the regular and free channels of collective bargaining, as far as the said union is a corporate body, responsible before the law, and as far as its members will have legal appeal against it if their rights are unjustly violated;

6. Such closed shop agreements already in existence would not be modified as long as they comply with the law;

7. When the employees of any employer belong to different labour unions, whether craft or industrial unions, the law should contain provisions in favour of a cartel which could carry the negotiations through successfully with the employer, and, if a cartel is not possible, the law should contain provisions for the settling of the disputes through conciliation procedure, after consultation with the interested parties;

8. The law should definitely bar any association of employees really organized by the employers or their agents;

9. The second great labour liberty, the freedom of coalition, includes, in our opinion, matters connected with conciliation, arbitration, strikes and picketing;

10. Collective labour agreements, we believe, should contain compulsory provisions providing for procedure of conciliation and arbitration to be followed to settle disputes;

11. No strike should be recognized as a legal strike unless the dispute has been carefully studied and dealt with by a conciliation or arbitration board of three members, and only if, of course, all interested parties have not previously engaged themselves to accept the unanimous recommendations or the majority report of the board;

12. The law should contain rigid penalties against its violators, and the cases, in our opinion, should be heard before special industrial court created to handle such matters.

Respectfully submitted,

The Canadian and Catholic Confederation  
of Labour, Inc.

March, 1943."

THE CHAIRMAN: Another communication has just come down from my office from the Canadian Founders' and Metal Trades' Association. It is rather lengthy, so I think it had better be extended in the record of proceedings.

EXHIBIT NO. 187: Letter dated March 17, 1943, from S. J. Frame, Secretary, Canadian Founders' and Metal Trades' Association, to the Chairman of the Select Committee on Collective Bargaining:

"Respecting labour legislation which the Ontario Government intended to put into effect, we believe that the Government's decision to give all parties concerned an opportunity of expressing their views—before enacting any such legislation—was a wise move.

This memorandum is submitted on behalf of Canadian Founders' and Metal Trades' Association incorporated under Dominion Companies Act, March 19th, A.D. 1920, with Supplementary Letters Patent issued February 23rd, A.D. 1921.

Canadian Founders' and Metal Trades' Association includes in its membership forty-four foundries, forty-three of which are situated in the Province of Ontario, chiefly grey iron foundries.

The foundry industry is a basic industry, it being conservatively estimated that there are more than twelve thousand employees in the grey iron and malleable castings foundries in Canada.

The following representations are hereby respectfully submitted:

1. That any labour legislation which in its wisdom the Ontario Government should see fit to enact should have as its prime objectives the winning of the war and the promotion, essential for the peace, harmony and maintenance of order and discipline which are essential in both the war and post-war periods, of conditions in factories—wages and plant conditions—fair and just to employers, employees and the public generally.

2. In considering labour relations, human imperfection has to be remembered, it applying alike to employers, employees and trades union representatives.

Allowing for human frailty the average employer is striving by fair and

just treatment to deserve the confidence of his employees and the great majority of employees are reasonable, loyal and faithful.

The representatives of trade unions—which, properly administered, are beneficial to both employees and employers in industry—are as much subject to human frailty as employers or employees.

For example, to-day union organizers, by mass suggestion, are creating confusion in the minds of the workers and suspicion of employers, which naturally retards the war effort.

Consequently, if the Ontario Government deems it necessary to enact labour legislation, great care should be taken to avoid the giving of undue power to trade unions to the detriment of employees, employers or the public generally or towards creating in the State an Imperio in Imperium.

In our imperfect world, infinitely more than by legislation, peace and harmony among employers and employees will be attained by the practice of the Golden Rule, there being quoted in this connection the following utterance by Mr. John R. Steelman, Director, United States Conciliation Service, delivered before the American Trade Association Executives, Mayflower Hotel, Washington, D.C., April 29, 1940:

'It is my firm conviction that conciliation provides the most effective and the most permanently satisfactory method of settling most of our labour disputes. For it is when the parties develop their own solution that they contribute most to good relations in the future. I do not say that, when the parties have worked out a solution by conciliatory methods, the harmony and success of their future relations are assured. Far from it. Labour relations are not static. These things are never assured. I do say that when labour and management have worked out a settlement by voluntary mediation they are most likely to succeed in applying the settlement. And, from the conciliatory process and from its fruition, they can scarcely avoid gaining a deeper insight into each other's needs and desires and a keener appreciation of their mutual dependence.'

3. In the foundries, some foundries have agreements with labour unions; some foundries have agreements with their men, the agreements being reached with employees (who are members of the union) representing the men; some foundries have shop councils.

In foundries in which prevail no agreements with the men nor shop councils the men have access to the management at any time, the management being willing to confer on any matters affecting the welfare of the men or listen to any grievances which they may have.

Shop councils are working satisfactorily in a number of foundries and there being nothing sacrosanct in the idea that every labour agreement should necessarily be with a trade union, any legislation which may be enactment should allow for the continuance where they exist of shop councils so long as the majority of the employees are satisfied with the same.



4. Canada being part of the British Empire and Great Britain being far in advance of America in the settlement of labour problems, we respectfully submit that in regard to any labour legislation, to reach the goal of peace and contentment among employers and employees, British labour legislation should be followed rather than American legislation such as the Wagner Act.

5. If the Government should deem it necessary to enact labour legislation, we would respectfully suggest:

(a) That legislation should be based on British legislation rather than on American legislation such as the Wagner Act.

(b) That any Collective Bargaining Act should permit the continuance of the present machinery for good industrial relations now existing in many plants in the province, such as employees' representation plans, works councils, independent unions, or joint committees, the latter being particularly applicable to small plants.

(c) That individual employees or minority groups should be allowed freedom of association and freedom to work without being obliged to join a union, or maintain their membership therein.

(d) That the check-off system of collecting union fees should not be permitted, and certainly should not be made compulsory.

(e) That unions should be required to register and to file copies of their constitution and by-laws, a list of their officers, and an annual statement of income and expenditures.

(f) That unions should be forbidden to use intimidation, misrepresentation and other unfair practices, with penalties for infraction.

(g) That there should be a provision prohibiting strikes and lockouts for the duration of the war.

(h) That there should be a provision regulating picketing or if strikes and lockouts are prohibited for the war, picketing also should be prohibited.

6. In conclusion, you are hereby assured that these representations on behalf of Canadian Founders' and Metal Trades' Association are made in the spirit of sincere friendship and goodwill towards employees and any whom the employees may select to represent them, and in a realization of the fact that never more than now have the times called for employers and employees understanding each other and co-operating harmoniously.

All the above respectfully submitted.

Copies of this letter mailed to each of the other members of the Committee.

(Sgd.) S. J. Frame,  
Secretary."

THE CHAIRMAN: Here is another communication from the Prince Edward Branch, No. 94, of The Canadian Legion of the British Empire Service League, Windsor. I think that should be extended into the record.

EXHIBIT No. 188: Letter dated March 17, 1943, from R. Hilliard, Secretary-Treasurer, Prince Edward Branch, No. 94, The Canadian Legion of the British Empire Service League, Windsor, to the Chairman of the Committee on Collective Bargaining, enclosing letter dated Windsor, March 13, 1943, signed by Howard M. Smale, Chairman, Veterans' Assistance Commission, Windsor Local Committee to the members of said Branch 94:

"March 17, 1943.

Honourable J. H. Clark,  
Chairman Select Committee,  
Parliament Buildings,  
Toronto, Ontario.

Dear Sir:

The attached letter was received and unanimously adopted by resolution at the regular monthly meeting of this Branch at Windsor, on March 11th, 1943.

You are respectfully requested to give the matter contained therein your serious consideration. It is our hope that you will do your utmost to obtain just treatment of the splendid youth who are now protecting our future with their lives.

We cannot over-emphasize the importance of this issue and its urgency.

Respectfully yours,

(Sgd.) R. Hilliard,  
Secretary-Treasurer.

RH.cm.

Windsor, Ontario,  
March 13th, 1943.

To the Members of Branch 94,  
Canadian Legion.

Mr. President, Gentlemen:

Your attention is hereby drawn to the proposed legislation under consideration by a select Committee appointed by the Premier of the Province of Ontario under the Chairmanship of Speaker of the Provincial Legislature, the Hon. J. H. Clark. This body has been authorized to investigate and to report on the proposed collective bargaining legislation by recommendations to the House, at the conclusion of their sittings now being held at Toronto.

Testimony and briefs are being publicized daily in the press of the

country from which it would appear that the majority effort is being put forward by organized labour. Careful scrutiny on the part of the writer has failed to indicate any consideration of the position of the absentee worker in uniform or of the uniformed youth, who, were he not now serving his country, would have a place in the industry of our land.

The Canadian Legion have a definite responsibility to perform as guardians of the interests of enlisted men during their absence; and as such, to be represented at the deliberations now being held, by competent representatives supported by legal counsel. Such representatives should particularly guard against inclusion in the legislation of anything which will in any way alienate the rights of any enlisted man, or which will cause any ex-soldier difficulty or embarrassment in finding employment upon his discharge from the forces.

The position of the enlisted man who had established seniority in industry is already partially protected by clauses in many labour contracts, in which it is stated that such man's seniority shall accumulate during his absence. However, this seems hardly adequate, in that it appears to only guarantee his re-employment in the plant, or industry from which he enlisted, but does not guarantee him his old job or previous wage scale. The Legion's greatest concern should be directed towards guaranteeing a fair and equitable opportunity for the youth of Ontario who left school or college or lesser forms of occupation to serve us in uniform. Any of these lads who can show the ability and who wish to enter industry should be permitted to do so, at least, on a par with the youth who at the time of enlistment of the former, chose to go into an industry and work six months or such similar period as would guarantee his establishment on the seniority lists of his employer.

To end this, the Legion must press for inclusion in any collective bargaining law, a preference clause, covering and protecting the returned soldier upon discharge from the forces; and a reasonable period of time in which to prove his adaptability to his chosen work; establish the right of any discharged soldier returning to, or entering, industry, where seniority rights are established, to claim his place on such lists of plant seniority as of the day previous to his enlistment date.

All the foregoing is submitted in the interest of national unity in the post-war re-establishment period, when Canadians in every part of the Dominion will suffer severely if unwise decisions or unfair treatment is permitted to be written into our statutes through lack of foresight at this time.

The writer further suggests that, providing the foregoing is acceptable to Branch No. 94, that it be accepted in whole or in part as an expression of the Branch and that it shall thereupon become a resolution addressed to the Provincial President, Canadian Legion; that a copy be immediately forwarded to the following persons:

Hon. J. H. Clark, Chairman Select Committee.

Premier Conant, Parliament Buildings, Toronto.



Hon. Géo. Drew, Leader Opposition Party.

All branches Canadian Legion in Ontario.

President, Canadian Legion, Dominion Command, Ottawa.

Canadian Manufacturers' Association, Toronto.

Faternally yours,

(Sgd.) Howard M. Smale,  
Chairman, Veterans' Assistance Commission,  
Windsor, Local Committee."

THE CHAIRMAN: Then I have a communication from J. O. Herity, manager, Chamber of Commerce of the City of Belleville, dated March 16, 1943, to the Chairman of the Select Committee on Collective Bargaining, enclosing copy of resolution unanimously endorsed by Manufacturers' Division of Belleville Chamber of Commerce. I think those documents had better be extended into the record of the proceedings.

EXHIBIT NO. 189: Letter dated March 16, 1943, from J. O. Herity, Manager, Belleville Chamber of Commerce, to Chairman of Committee on Collective Bargaining, enclosing resolution of Manufacturers' Division of said Chamber of Commerce:

"March 16, 1943.

Hon. James H. Clarke, M.P.P.,  
Chairman, Select Committee re Collective Bargaining,  
Parliament Buildings,  
Toronto, Ontario.

Dear Mr. Clarke:

Enclosed you will find copy of resolution which was unanimously endorsed by the Manufacturers' Division of the Belleville Chamber of Commerce at a meeting of representatives held here on the 12th instant.

This meeting was representative of such well known manufacturing industries as the Canadian Industrial Alcohol Co., Ltd.; Belleville-Sargent & Co., Ltd.; Corbin Lock Mfg. Co. of Canada, Ltd.; Stewart-Warner-Alomite Corp. of Canada, Ltd.; Stephens-Adamson Mfg. Co. of Canada, Ltd.; Reliance Aircraft & Tool Co., Ltd.; Bristol Aircraft Products Co. of Canada, Ltd.; Consolidated Optical Co. of Canada, Ltd.; Mead Johnson & Co. of Canada, Ltd.; Deacon Bros., Ltd.; Bell Shirt Co.; J. & J. Cash Inc.; Swift Canadian Co., Ltd.; Houston Co., Ltd.; Citizens Dairy Co., Ltd.; Canada Packers, Ltd.; Graham Dried Foods, Ltd., and others. That list represents a pay-roll of upwards of 4,000 hands. Five of them are the Canadian branches of industrial corporations that are the largest in their class in the world. Several others of our larger industries were not represented at the meeting because their presidents or general managers were out of the city or could not leave at the time.

You will notice in reading over our resolution that several of the clauses are similar to those already brought to your attention by the Ontario Division of the C.M.A. But you will also ascertain that a number of the sections are quite different and cover other ground. We hope you can see your way clear to bring these representations to the attention of the Select Committee before it concludes its sittings.

Very truly yours,

(Sgd.) J. O. Herity,

Manager.

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#### RESOLUTION

Unanimously endorsed by the Manufacturers' Division of the Belleville Chamber of Commerce at a meeting held on March 12, 1943:

Resolved that this gathering of representatives of the manufacturing industries of Belleville, including all the larger employers of labour, recommends for the consideration of the Select Committee of the Ontario Legislature the following points:

(1) That any and all workers shall have absolute freedom of choice to join or not to join any company union or other type of union.

(2) That non-members shall not be forced to pay dues to any union.

(3) That non-membership in a union or in any association of workers shall not be regarded as a just cause for the dismissal of an employee or of refusal of engagement.

(4) That employers shall be granted the right to be represented at any meetings and to state their views whenever projects to form unions are being discussed.

(5) That a majority of employees in any company shall be required to declare or force a strike or to engage in collective bargaining.

(6) That when agreements are entered into between employers and employees, or unions representing employees, that the agreement shall be equally binding on both parties during the life of the said agreement.

(7) That all unions, whether company unions or not, shall be required to have printed for distribution to all its members, and to employers as well, annual audited financial statements, giving in detail the amount of dues collected and of the expenditure of same.

(8) That election of officers or bargaining representatives, whether in company or other unions, shall be conducted in absolute secrecy and that any attempt at undue influence shall be punished by proper penalties and, further, that all election returns shall be made known to all the members.

(9) And, further, that the practice known as picketing shall be declared

illegal, believing, as we do, that the said picketing almost invariably results in disorder, improper influence and intimidation, as well as serious damage to business, particularly where placards are displayed which virtually amounts to efforts at boycott.

(10) That strikes in essential war industries and services be absolutely forbidden while the war is in progress and that all matters in dispute be referred to an acceptable board of arbitration, the decision of which shall be equally binding upon both parties to the dispute."

MR. FURLONG: Mr. Chairman, as was intimated earlier in the proceedings by yourself, we should, if possible, hear from Mr. John B. Aylesworth, K.C., who represents some important companies.

THE CHAIRMAN: Yes.

MR. FURLONG: Then I will ask Mr. Aylesworth if he will now make a statement to the Committee.

JOHN B. AYLESWORTH, appeared.

MR. AYLESWORTH: Mr. Chairman and gentlemen, at the risk of incurring your severe displeasure I am going to file a brief, copies of which are available for all members of the Committee.

I have listened almost as extensively as the members of the Committee itself to these proceedings, and I am quite aware of the duplication of representations that has occurred, and therefore, with the exception of some preliminary remarks that I might make, those I represent felt that they could be of more assistance by making suggestions as to certain principles upon which the legislation should proceed, if the Committee is of the opinion that there should be legislation. With your permission I should like to proceed to read this brief.

THE CHAIRMAN: May I interrupt. I see you represent the following companies:

Ford Motor Company of Canada, Limited.

Chrysler Corporation of Canada, Limited.

General Motors of Canada, Limited.

Truscon Steel Company of Canada, Limited.

Dominion Forge & Stamping Company, Limited.

Canadian Motor Lamp Company, Limited.

Long Manufacturing Company, Limited.

Gotfredson, Limited.



Canadian Automotive Trim, Limited.

Canadian Bridge Company, Limited.

Canadian Steel Corporation, Limited.

Auto Specialties Mfg. Company (Canada), Limited.

I have an idea as to the number of persons employed by these organizations, but some members of the Committee who do not live in Windsor may desire some information about that. Could you tell us roughly the number of workers employed in these plants?

A. That is covered in the brief, sir.

MEMORANDUM SUBMITTED BY MR. JOHN B. AYLESWORTH, K.C., REGARDING  
COLLECTIVE BARGAINING BETWEEN EMPLOYERS AND EMPLOYEES:

"Shortly after the appointment of this Committee, certain members thereof and Counsel for the Committee, being aware of the fact that I have assisted several employers in the actual negotiation of numerous collective bargaining agreements and in other aspects of labour relations, suggested to me that some expression here, in a general way, of the views of such employers, or of some of them, on the principles of a compulsory collective bargaining Act might be of assistance to the Committee as part of the record of the proceedings before the Committee.

In compliance with that suggestion, I am here to record in my own words, in general terms only, what I believe to be the views of many of the above named employers as to those principles.

You will recognize, I know, that these views must be expressed in general terms without descent into detail, because individual employers differ from one another on detailed aspects of such a question and also because time itself has not permitted any adequate discussion on my part with these employers as to detail.

I am expressing no views on behalf of any of these employers as to whether or not it is either necessary or desirable to enact compulsory collective bargaining legislation in this Province at this time; in actual fact I have no instructions upon the point nor was it suggested to me that I should obtain any. These employers themselves have sought no legislation upon this subject and most of them, before any such legislation was first suggested, had negotiated and entered into collective bargaining agreements; none of the others have refused to do so when an established majority of the employees concerned has requested collective bargaining.

The question as to whether or not there shall be a recommendation to the Legislature to enact compulsory collective bargaining legislation is one for the decision of your Committee, acting in the public interest and upon the basis of careful consideration of all of the evidence and submissions given and made before you in this somewhat lengthy hearing.

The three above named automobile manufacturing companies are, of course, well known and require no further identification; the remainder of the companies mentioned (many of which also are widely known, particularly in Ontario), all operate plants in the Windsor area. They presently employ hourly-rated employees totalling approximately 30,000. All are engaged 100 per cent on war work. Many—if not all—of these employers at the present time have very greatly enhanced working forces directly as a result of the war.

As has been stated, many of them have entered into collective bargaining agreements. Those which have not entered into collective bargaining agreements have themselves promptly requested the Department of Labour of the Dominion Government to arrange for and supervise a vote of the employees by secret ballot, when in receipt of a claim by some collective bargaining agency to represent a majority of the employees and a request to the employer to commence negotiations accordingly with a view to the conclusion of a collective bargaining agreement. In this manner, the wishes of the majority of the employees concerned have been or are being ascertained promptly and impartially. In some instances, the parties have not, as yet, been able to agree upon the procedure for the taking of the vote, and points of difference have arisen which may require to be heard and reported upon, either by an Industrial Disputes Investigating commissioner or by a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act.

In all cases, the request for collective bargaining has not come from an international union or even a national union; on the contrary, a request in some instances comes from an independent association of the employees of the particular plant—formed solely at the expense and instigation of the employees themselves, and not dominated, influenced or even suggested by the employer. In some cases, the collective bargaining agency asserting a claim to represent a majority of the employees concerned has not always substantiated this claim in the resulting vote by secret ballot.

These companies feel that if compulsory collective bargaining legislation is to be enacted in this Province, the subject is of such great importance that great care should be taken by your Committee and by the Legislature to see that such legislation proceeds along sane and constructive lines. If the recommendations of your Committee is that such legislation should be brought down, it should be framed with a view to promoting improved labour management relations, to the acceptance of greater responsibility on the part of bargaining agencies claiming to represent a majority of the employees concerned and to greater discipline of thought and more constructive conduct on the part of those agencies, and particularly the leadership thereof.

Any such legislation, if enacted, should declare and provide:

1. That employees are free to join any union or association of their choice, and are equally free not to join any union or association, and that any term or condition of employment prohibiting an employee from joining any such union or association be declared void.

2. That there be exempted from the provisions of the Act employers employing less than fifty (50) persons (or at least some such minimum number), and employers engaged in agriculture.

3. That collective bargaining agencies be required to file with the Minister of Labour, and to supply to every member of the agency, independently audited statements at least annually, showing details of receipts and disbursements of the local or branch to which the member belongs, and also of the agency as a whole, so far as Canadian operations are concerned.

4. That each local or branch of a collective bargaining agency having more than one branch, or, if the collective bargaining agency has no locals or branches, then the collective bargaining agency itself be required to hold elections of its officers at least annually by secret ballot.

5. That collective bargaining agencies be required to file with the Minister of Labour a list of their respective officers and a certified copy of their respective constitutions and by-laws, and keep current such information as filed.

6. That wherever a collective bargaining agreement exists between an employer and a collective bargaining agency, a strike be neither called nor supported by the agency until the strike has been authorized through secret ballot by a majority of the members in good standing of the collective bargaining agency.

7. That the following actions upon the part of anyone be declared to be unfair practices in contraventions of the Act, namely:

(a) Discharge of or discrimination by an employer against employees by reason of their having joined any collective bargaining agency, or by reason of a request for negotiations with a view to the conclusion of a collective bargaining agreement, or by reason of the institution of or participation in any proceedings or prosecution under the Collective Bargaining Act;

(b) Any act by an employer, including financial aid, or coercion, intimidation or of undue influence against employees in respect of their forming or joining or in respect to the administration of any collective bargaining agency, or the selection or designation thereof;

(c) The entering into of any contract of employment in conflict with or in contravention of any of the provisions of the Act;

(d) Any act by any member or official of any collective bargaining agency, of coercion or intimidation against employees by reason of their refusal or failure to belong to any collective bargaining agency or by reason of the institution of or participation in any proceedings or prosecution under the Act itself.

8. That nothing in the Act be construed to give employees the right to work for or to attempt to organize a collective bargaining agency in their working hours or on the premises of their employers, save as may be provided by the terms of a collective bargaining agreement with the employer.



9. That the exclusion from the provisions of any collective bargaining agreement of employees of an employer, while within certain classifications of employment set forth in the collective bargaining agreement itself shall not be deemed to be in conflict with or in contravention of any of the provisions of the Act."

THE CHAIRMAN: Q. Please read that again?

A. Perhaps I might give you a short explanation of that paragraph, Mr. Chairman. It is customary in negotiating a collective bargaining agreement between an employer and any association, whether it be national or international, or an association of employees, to provide for the exclusion from the provisions of the agreement of certain classifications or employees, varying dependent upon the conditions in the plant, such as men acting in a supervisory capacity, confidential clerks, protection men, time study men, and so forth; classes of employees who, by the very nature of their work, act in a confidential capacity.

MR. FURLONG: Q. Sometimes office workers?

A. Yes, office and salaried workers:

"10. Suitable provisions for the ascertainment by secret ballot of a collective bargaining agency and for the certification of a collective bargaining agency which has complied and so long as it continues to comply with the provisions of the Act, care being taken in any such provisions to protect the rights of groups of employees who, by reason of their particular trade or art, belong to or desire to belong to a craft union. That every application by a collective bargaining agency for certification be on written notice to the employer concerned and that the employer be given full opportunity to make representations upon the subject."

Take the case of a large employer with very many employees engaged in very different types of work: unless care is taken with respect to the certification of the collective bargaining agency—and I believe I mentioned this earlier, Mr. Chairman—an employer might possibly find that an agency had been certified which represented some small not properly identifiable group of employees; and so he might, in a large company, have nineteen or twenty requests to bargain with such agencies. It is a matter of common sense, and can be worked out, I think, by the administrator of the Act; but it should be provided that the employer, who after all is very much interested in this matter, should be able to make representations to the authority as to the problems he will face if a particular unit is set up in his plant.

THE CHAIRMAN: Q. You are not objecting to segmentation?

A. No; as long as segmentation proceeds on commonsense lines.

"11. That there be no compulsory arbitration whatsoever."

Q. Who is asking for that?

A. Some are asking for compulsory arbitration on some angles as to the interpretation of the agreement.

Q. You do not mind putting that in a collective bargaining agreement?

A. In many collective bargaining agreements it is included; but we feel that compulsory arbitration itself is directly the reverse of the negotiation of an agreement.

Q. You mean legislative compulsion?

A. Yes, exactly.

"12. That written statements or written propaganda of any kind relating to terms and conditions of employment, distributed in any manner to any employee of an employer, either by or on behalf of the employer or by or on behalf of a collective bargaining agency, be signed or otherwise identified by the person or persons responsible for the issuance thereof."

That is to say, to prevent what occurs so many times during the attempted organization of employees, or on other occasions, and that is the passing of squibs or written pieces of propaganda or unreliable statements, and sometimes even downright falsehoods, with respect to conditions of employment, with respect to the employer, or possibly with respect to a union. We think that in a perfectly business way care should be taken, as far as possible, to see that whoever wants to do that shall identify himself as the party initiating it.

THE CHAIRMAN: There should be no objection to that.

MR. MACLEOD: Is there not a war regulation to the effect that the issuance of any leaflet or pamphlet must contain the name of the party issuing it?

A. There may or may not be; but I do know, Mr. MacLeod, from actual experience that the sort of thing this is designed to help to check occurs very, very frequently and, in my opinion, occurs to the detriment of decent and constructive union progress, and to decent employer-employee relations.

"13. That the administrator have access to the premises and relevant records of an employer and of a collective bargaining agency for the purpose of ascertaining a list of the employees and the merits of a claim by a collective bargaining agency to majority representation.

14. That the Courts of the Province may review any administrative proceedings taken under the Act, on the ground that a party or the parties affected thereby have not been accorded a fair hearing, or that the person taking such proceedings acted upon bias or other improper motive, or acted in a manner not authorized by the Act. Further that the administrator of the Act be permitted to refer to such courts any questions which such administrator considers desirable.

15. That administrative jurisdiction be entrusted to some carefully considered administrator or administrative body with a view to the establishment in this Province of constructive labour relations' jurisprudence upon matters contemplated by the Act.

16. Appropriate penalties, recoverable upon summary conviction, for contravention of the Act, not only by the employer but also by any other person or persons.

17. That notice be given to the administrator of the Act, of any intended prosecution for contravention of the Act, and that there be a suitable 'cooling off period' between the giving of such notice and the actual institution of such prosecution. Further, that an appropriate limitation be placed upon the time within which, after the alleged commission of any contravention of the Act, any prosecution may be instituted for such contravention."

Now, with respect to one or two matters in the brief only, I wish to make one or two short references. In one brief which was filed, I believe, by the Steelworkers' union, before this Committee the statement was made that there had not been presented to this Committee any evidence, and there was not likely to be, of the necessity or desirability of annual elections, or of the filing of financial returns, or of the making available to members of the agency of financial returns.

In that connection, Mr. Chairman, I wish to file as exhibits with this Committee certain matters which I think demonstrate clearly the evils which may result. I am not aware of any such evils in Canada in the trade union movement. However, this Committee is being asked now to enact or recommend the enactment of compulsory bargaining legislation, with all that means. That has been done, as you have been told many times, in the United States; and from 1935 to the present time in the United States the organization of employees has proceeded apace; that is common knowledge. Nothing has been said before this Committee, and I think it should be said for the information of the Committee, about the fact that, as a consequence of the very rapid growth in the United States of organized labour, inevitably certain evils have made their appearance, and have presently made their appearance to such an extent that one finds now a wave of reaction in certain parts of the country on the part of state legislatures to try to curb or control certain aspects of trade unionism; and it occurs to me that leaving it for a reactionary period is to invite the pendulum to go too far back against the unions, and that it would be more constructive, at the introduction of such legislation, to see to it that as far as lies in your power the internal management of trade unionism in Canada and in this province be kept clean.

The exhibit I wish to file happens to be the December, 1942, issue of the Reader's Digest. It is filed by reason of an article, which is not long but which I nevertheless do not propose to read, commencing at page 10 of that magazine under the heading:

"The national significance of how 'Local 17' got rid of boss rule and corruption."

If I may be given a moment I would like to refer to one or two matters in that article by William Hard, who has, through the Reader's Digest throughout the year 1942 particularly, I believe, written numerous articles on various aspects of the development of trade unionism in the United States.

THE CHAIRMAN: Q. What is the meaning of the reference to "Local 17"?



A. By that reference is meant Local 17 of the Hod Carriers', Building, and Common Labourers' Union of America. This case is a classic, and has gone into the United States courts. There had been no elections in Local 17 for three and a half years, although the constitution called for annual elections.

Q. Something like a political party's constitution?

A. Yes, exactly; although they did not take the trouble formally to extend their life.

Q. I thought that is what they were doing?

A. The rank-and-file members of that local had to petition headquarters in Washington, complaining that they could not get an election, and I would like to read this paragraph:

"But Joseph V. Moreschi, national president, was himself no great enthusiast for elections. He had done much to improve the wages of hod carriers and labourers. That is proved by the U.S. Labour Department statistics. But he was holding his post as president by virtue only of appointment by the Executive Board in 1926. The Hod Carriers' national union—one of the largest and richest in the American Federation of Labour—had held no national convention for the election of national officers since 1911. That was 31 years ago. Mr. Moreschi could not be bothered with rank-and-file members who wanted an election in their local after only three and a half years. He did nothing about it."

Then there was financial trouble in Local 17. In 1936 the initiation fees had been \$1. Soon the officers raised it to \$2. Then to \$25. Then to \$36, and in 1939 they raised it for the most skilled workers to \$76. They also raised the monthly dues from \$2 to \$2.50.

In 1938, 1939 and 1940, these officers, by their own admission on the witness stand, had taken in \$200,000. In 1940, after court proceedings to compel revelation of the finances, the treasury held \$107.93.

Q. I am surprised at that! I would have thought they would have been in the red by that time.

A. Somebody made a little slip and left that \$107.93 in the treasury. The rank-and-file of Local 17 of the Hod Carriers' Union never could get financial statements from their officers, although the constitution provided for it. These officers persistently refused to give them the statements.

Then another delicious experience occurred in Local 17 and known as "Highballing." In some other aspects, perhaps, that would not be unreasonable, but what is meant by "highballing" so far as union jargon is concerned is where a union is so strong that it is able to make a deal, as it were, with the contractors for whom work is being done, and the contractor proceeds to ignore the laws and rules for the safety of the men. In this case excavation was pushed without the steel arching to protect the men from rock falls, and drilling was pushed before the thick dust which eats out men's lungs had been settled down or blown

away, and dynamite and detonators were sometimes lowered into a tunnel in the same cage as the men, and there were many unnecessary casualties.

As to the attitude of the officers of Local 17, when the men complained the officers told them to complain once more and they would be expelled from the union and thus automatically fired.

Then there were agitators in the ranks of Local 17 who wanted to know about the affairs of their local and wanted to remedy the conditions therein. Evidence was brought forward that when they agitated for these things they were instantly discharged by the contractors who had work being done by the union, and the only satisfaction they could get from the superintendent on the job when he was asked why they were fired, was: "Because you have been agitating against the officers of the union." Then if you will bear with me for a moment—these things I am now mentioning are illustrations of what has actually occurred when there have been no legislative provisions for annual elections and for an audit and an accounting to the members—there was another gentleman in the Hod Carriers' Local 17 named Samuel Nuzzo. He became an officer in 1936 at \$30 a week. He soon worked himself into the position where he was top business agent for the Local with power to hire and fire all other business agents, and with sole power to sign cheques and to okay the union cards of the members before they could get a job.

By the end of the 1930's Mr. Nuzzo had \$125 a week and also occasional \$1,000 bonuses. He also had a tavern and night club with a floor show.

Now, this is rather revealing:

"In the fall of 1937, members of Local 17 were demanding financial statements from their officers so insistently and so loudly that Mr. Nuzzo became alarmed. He wrote to national headquarters and complained that 17's meetings were on their way to being 'near riots.' James Bove, national vice-president, consulted Mr. Moreschi, president. He then, on November 3, wrote to Mr. Nuzzo and issued the following orders:

1. There will be no more meetings of Local 17.
  2. Seventeen will be run by its officers. Provided, however:
  3. Those officers will do nothing except after approval by Mr. Bove.
- And:
4. They will make their financial statements twice a month to Mr. Bove.

These orders continued in force until self-government was restored to 17 by the courts."

And it cost the members of Local 17 \$17,500 to bring their officers to book because of their abuse of their office, and because of their disregard of the constitution of the union itself.

I would like to file that article as an exhibit because that case has become a classic and because there are very many other instances in the United States of the same kind of thing, but not because I am intimating that that is any fair summary of the conduct of trade unions. I believe it is not an example of general conduct of trade unions, but I believe this Committee, if it decides to bring down compulsory collective bargaining, ought to see to it, by some decent, sane regulations on the subject, that as far as this legislature can provide the same sort of rackets will not be allowed to infest trade unionism in this province.

EXHIBIT No. 190: Reader's Digest, issue of December, 1942: Reference to article on "American Rights for Union Members," by William Hard, at page 10.

Along the same lines is an article which I happened to notice in the Detroit Free Press of Sunday, March 7, 1943, Part four, headed:

"The Union and its Members."

I file it as an exhibit for this reason only: Detroit, it is acknowledged, is the centre of a great many industries and also a centre of highly organized trade unionism. In these circumstances you even have the public press, in what I submit is a fair and impartial manner, and by no means anti-union, summarizing their considered judgment of some of the evils that have occurred in trade unionism in some parts of the country simply through the lack of reasonable legislative enactments to protect the members of the trade unions.

EXHIBIT No. 191: Article entitled "The Union and its Members," by Leo Wolman, appearing in Part four of The Detroit Free Press, issue of Sunday, March 7, 1943.

Gentlemen, in view of the very long hearings that have proceeded before this Committee, I wish to express my appreciation of your patience in listening to what I have had to say.

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THE HON. PETER HEENAN: After a rather hurried reading of the brief presented by Mr. Aylesworth I see very little objection to it, but I question whether or not a committee of Canadians should have on record all the infamous things that may happen in the United States of America, and whether it should be asked to guard against the same thing in Canada, in view of the fact that Canadian workers are Canadian workers, and not American workers. We might also catalogue instances where bankers and financial men like Whitney and others have been sent to jail, and where the miners and steelworkers were shot down by the government militia at the behest of industrial and financial interests.

MR. AYLESWORTH: Is this a question addressed to me?

THE HON. PETER HEENAN: I object to that material being put on the record, Mr. Chairman.

MR. AYLESWORTH: I am very sorry to have to disagree with anything that my friend, the Minister of Labour says . . .



HON. MR. HEENAN: That is the rottenest damn thing I have ever seen.

MR. AYLESWORTH: . . . for whom I have high regard; but, like the Minister of Labour, I am quite capable of expressing my own opinion, and I think I made it abundantly clear to this Committee that I expressed it not at all as an example of general conduct of unions, but as a most outstanding example, of which this Committee should be made aware, and of what the possibilities are unless the legislation proceeds along proper lines. I have no apology for doing so.

THE CHAIRMAN: I understood Mr. Aylesworth to say he was putting the example before the Committee so that the Committee might be able to include a clause in any collective bargaining Bill to protect the employees, because he did not want a revulsion of feeling against the trade union movement as the result of improper practices. I see no objection to it. I do not see any difference between Canadians and Americans. As a matter of fact, there are about 7,000,000 Canadians living in the United States now.

HON. MR. HEENAN: Then I ask that there be put on the record the infamous things done by bankers and industrialists as well as the things done by union officials.

MR. AYLESWORTH: I would be very glad to assist the Hon. Minister of Labour to institute such an enquiry if it happened that legislation was being requested to outlaw trade unionism, but that is exactly the reverse of what this Committee is considering. When I suggested compulsory annual elections and compulsory filing of returns, I was careful to say that these evils of which I spoke have not occurred here, but may occur here if care is not taken, in some instances.

THE CHAIRMAN: I do not see why any trade union would object to compulsory annual election of officers.

MR. AYLESWORTH: Mr. Brewin's own trade union has seen fit, and many other trade unions have seen fit, including many A.F. of L. trade unions, to publish their financial statements, and that is constructive. It is the few, and there are a few unfortunately on the side of trade unionism, just as there are a few unfortunately on the side of employers, whose actions have brought about the necessity for this hearing.

THE CHAIRMAN: I understood Mr. Aylesworth to mean that if there had been some compulsion in the Wagner Act to hold annual elections, this famous Hod Carriers' case could not have arisen in the United States because any member of the union could have gone to the court and asked for a mandamus to compel the election of officers in his local union. It was protection of the members of unions, not the officials of the unions, that Mr. Aylesworth had in mind, as I understood him.

MR. AYLESWORTH: That is exactly correct, sir.

THE CHAIRMAN: I do not see anything wrong with it. Do any members of the Committee see anything wrong with it?

SEVERAL MEMBERS: No.

HON. MR. HEENAN: Many employers' representatives, as the evidence indicates, have appeared before the Committee to suggest that there was a necessity for this kind of legislation. You can kill a thing in more ways than by choking it with butter. You can be so damn kind to it that it will not be of any use. There is a gentleman here at this moment who knows that when I tried to introduce a Bill for shorter hours, etc., in Ottawa, notwithstanding all the opposition it passed the House of Commons, and when it went to the Senate I was invited to appear before the Senate committee and was asked as to the necessity for this legislation, and I said: "It is to protect most of these men you see around here petitioning against it." Some of them asked how others could live on the revenue they were going to get from a contract, and it was found out that it was by chiselling on the workers' wages and working them longer hours. It was fair to the good contractors that the Bill should pass, and so there were no more questions asked, and the Bill was carried. Men who, to-day, refuse to recognize their employees collectively are not only chiselling on their workmen but chiselling on the good employers.

THE CHAIRMAN: Is it any worse to have mean, narrow-minded employers chiselling on the workers than to have rogues and rascals stealing the money of the hard-working members of the Hod Carriers' Union?

HON. MR. HEENAN: How many cases have there been in Canada where any union official has stolen money from the workers? Only a very few, and only a very few pennies, at that. Why should we liken our Canadian workmen to those who live and work in some other part of the world? Canadian workers are Britishers, and have not had to go through all the hell and fire and murder they have had to go through in the United States.

THE CHAIRMAN: Mr. Brewin, would you object to compulsory annual election of officers in your union?

MR. BREWIN: In support of what the Minister of Labour has said, Mr. Chairman, we feel that the best results would come from allowing the unions to regulate themselves.

THE CHAIRMAN: But suppose in some local the officers did not hold an annual election, like the Liberal party, who did not have an annual meeting for eleven years (although no harm was done), what objection would you have to a provision in a tentative Act requiring the holding of annual elections?

MR. BREWIN: I think it would be wiser to allow the unions to regulate their own business.

THE CHAIRMAN: What harm would it do to any man in any one of your unions to have a provision in the Act saying that you had to have annual elections?

MR. BREWIN: I think there is an implication there that they cannot run their own affairs.

THE CHAIRMAN: Oh, rot!

MR. BREWIN: As I understand the Minister of Labour, he says if there is an evil, strike at it by legislation, but why legislate until it exists?

THE CHAIRMAN: Mr. Aylesworth is trying to forestall any officials of any union from emulating the officials of "Local 17."

MR. BREWIN: It is a question of judgment whether or not it is better to leave it to the unions to forestall it themselves by their own discipline, rather than to force it on them by legislation.

THE CHAIRMAN: You have a constitution saying there shall be an annual election of officers, and if they fail to hold an annual election, what is wrong with legislation enabling the workers to go to the courts to compel the officers to hold an annual election?

MR. BREWIN: They already have it in their constitution.

THE CHAIRMAN: They had it in the constitution of the Hod Carriers' Union.

MR. BREWIN: Then they could go to the courts.

MR. AYLESWORTH: They did, and it cost them \$17,500.

MR. BREWIN: Then the lawyers charged them too much! (Laughter.)

MR. AYLESWORTH: No doubt my friend is familiar with the article, but if he will read it he will find that it took them something like two years to bring the officials of the local to book, and the Court itself commented on the reasonable charges made by the lawyers.

THE CHAIRMAN: The other fellows had been in thirty-one years.

MR. AYLESWORTH: If there are any other questions I shall be glad to answer them, sir; otherwise I do not wish to take up the time of the Committee.

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MR. FURLONG: Mr. Chairman, would you prefer to adjourn now and meet a little earlier this afternoon in order to avoid interrupting Mr. Finkelman's presentation?

THE CHAIRMAN: Yes. We shall adjourn now until 1.30 o'clock this afternoon.

Whereupon the Committee adjourned at 12.07 o'clock p.m. until 1.30 o'clock p.m.



## AFTERNOON SESSION

THURSDAY, MARCH 18TH, 1943

On resuming at 1.30 p.m.

THE CHAIRMAN: All right, gentlemen, will you please come to order?

What have we this afternoon, Mr. Furlong?

MR. FURLONG: We have Prof. Finkelman with his brief dealing with the law, and so on, which brief he desires to file.

PROF. FINKELMAN: I am not going to read them, Mr. Chairman, and members of the Committee, but I propose they be included in the record and that I be examined on them.

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Brief submitted by Prof. Finkelman:

ANALYSIS OF LEGISLATION RELATING TO COLLECTIVE BARGAINING IN  
THE COMMON LAW PROVINCES OF CANADA

NOTE:—This memorandum deals only incidentally with the principles of the common law and with employers' organizations. It does not deal with provincial Industrial Disputes Investigation Acts which place within federal jurisdiction industries that would otherwise come within the provincial sphere. The machinery set up by the various statutes for dealing with industrial disputes is examined only for the purpose of ascertaining how far it is of value in making collective bargaining effective. An attempt has been made to analyze these statutes in such a way as to cast light on the manner in which the common-law provinces of Canada have dealt with problems of collective bargaining that have been discussed in submissions presented to this Committee.

The statutes analyzed are the following:

Nova Scotia: Trade Union Act;  
Nova Scotia: Coal Mines Regulation Act;  
New Brunswick: Labour and Industrial Relations Act;  
Manitoba: Strikes and Lockouts Prevention Act;  
Saskatchewan: Freedom of Trade Union Association Act;  
Alberta: Industrial Conciliation and Arbitration Act;  
British Columbia: Trade-Unions Act;  
British Columbia: Industrial Conciliation and Arbitration Act.

\* The discussion has been arranged under nineteen heads:

- (i) the entities to which the legislation applies;
- (ii) the right to organize;
- (iii) the "yellow dog" contract;
- (iv) the right of the employer to discharge for proper and sufficient cause;
- (v) "company unions";

- (vi) The right to bargain collectively;
- (vii) the bargaining unit and the bargaining agency;
- (viii) Extent of duty to bargain;
- (ix) enforceability of collective bargaining;
- (x) machinery for interpreting collective agreements;
- (xi) union recognition;
- (xii) the "closed shop";
- (xiii) the "check off";
- (xiv) the right to strike or declare a lockout;
- (xv) registration;
- (xvi) immunity from suit;
- (xvii) filing of financial statements;
- (xviii) reports to members;
- (xix) administration.

(i) *The entities to which the legislation applies:* A variety of collective bargaining entities are accorded recognition in the several Acts—in Nova Scotia and Saskatchewan, trade unions; in New Brunswick, Manitoba and British Columbia, both trade unions and organizations of employees; in Alberta, organizations, trade unions and negotiating committees. In Nova Scotia, New Brunswick and Saskatchewan, the acts apply only to trade unions formed for the purpose of advancing in a *lawful* manner the interests of their members. If the term "lawful" is intended to exclude organizations pursuing criminal ends there can be no valid objection to the definition. If, however, the courts read into these statutes the doctrine of restraint of trade, most trade unions would be barred from obtaining any benefits. The draftsmanship here is faulty in that it leaves the way open to a construction of the statutes which undoubtedly was not intended. In Saskatchewan, the trade union to which the Act applies must be free from undue influence, domination, restraint or interference by employers. In the other provinces, the same objective is achieved in a different fashion. In New Brunswick, Manitoba, Alberta and British Columbia, employment in domestic service and in agriculture is excluded from the operation of the legislation. Nova Scotia and New Brunswick excludes officers, officials or persons employed in a confidential capacity. New Brunswick also excludes persons employed by or under the Crown. Alberta expressly declares that the Act covers the relations between teachers and school boards. In all the provinces except Manitoba, the Act applies to every employer employing one or more persons; in Manitoba, the minimum is ten.

(ii) *The right to organize:* Nova Scotia and Saskatchewan declare that it shall be lawful for employees to form themselves into a trade union and to join the same when formed. New Brunswick, Manitoba, Alberta and British Columbia declare that the right of employers and employees to organize for any lawful purpose is recognized. In connection with the latter group of provinces if the use of the word "lawful" in this provision brings into operation the restraint of trade doctrine, the declaration is of little value for trade unions generally. However that may be, the declaration standing by itself has no legal effect in any event. In legal theory, everyone is and always has been free to organize or to join a trade union so long as he does not violate the law. The difficulty is that in some cases the theory does not accord with the facts and, although a person may have the abstract right to join a trade union, in practice the influences which may be brought to bear upon him so that he will refrain from exercising his right

not only destroy that right but even go so far as to make it an offence, subject to a severe economic sanction, for him to attempt to exercise it. In such circumstances, a mere declaration that the right exists or is recognized has little significance. In so far as such a declaration is intended to operate on the mind of the right thinking citizen, it is superfluous; in so far as it is designed to curb the excesses of the unscrupulous employer, at whom it is of course directed, it is futile. Consequently, if legislation ensuring the right of employees to organize is to be a reality, such a declaration must be coupled with a sanction which will prevent an employer from engaging in practices that interfere with the exercise of the right. Accordingly, every one of the statutes under discussion contains a clause forbidding certain types of conduct, often referred to as unfair labour practices.

The Nova Scotia provision reads as follows: "any employer . . . which shall by intimidation, threat or loss of position or employment or by actual loss of position or employment, or by threatening or imposing any pecuniary penalty, prevent or attempt to prevent, an employee from joining or belonging to a trade union, is liable to a penalty." The provisions in the statutes of the other provinces are variations upon this theme. In New Brunswick, Manitoba, Saskatchewan, Alberta and British Columbia it is also an offence for any person to engage in the prohibited practice for the purpose of compelling a person to join a union. These provisions cover two situations: (a) endeavours by members of a trade union to compel a non-member to join the trade union; (b) endeavours by an employer to compel an employee to join a company union. In Alberta and British Columbia, it is an offence to engage in the prohibited practices for the purpose of compelling a person to refrain from becoming an officer of any association and, in Alberta, to refrain from attending any meeting of employees for the purpose of discussing grievances, or appointing a trade union or a negotiating committee to carry on collective bargaining, or to refrain from acting as a representative to carry on collective bargaining.

The terms "intimidation" and "threat" raise certain problems. In the past, the courts have at times looked upon any intimation of unpleasant consequences, creating fear or serious embarrassment in the mind of a person as constituting a threat to or intimidation of that person. On the other hand, more recent cases have held that in order to constitute intimidation there must be violence or threats of violence such as would justify a person being bound over to keep the peace. In fact, the New Brunswick Act defines intimidation as meaning "to cause in the mind of any person a reasonable apprehension of physical injury to him or to any member of his family or to any of his dependents, or of violence or injury to any person or property." The provisions referred to above would seem to conflict with section 501 of the Criminal Code, which declares that it is an offence for anyone wrongfully and without lawful authority to intimidate any person or his wife or children by threats of using violence to him or her or any of them, or of injuring his property with a view to compel such person to act in a manner contrary to his wishes. It is submitted, therefore, that these provisions are *ultra vires* of the provinces and that the right to organize, if it is to be effectively protected by provincial legislation, must be dealt with in some fashion other than the one presently employed in the legislation of the various provinces. The stress will have to be laid on the protective feature of the law rather than upon its penal quality. This is not to say that it would be impossible for the province to impose a penalty. However, the penalty would



have to attach clearly to interference with the right to organize rather than to intimidation.

In New Brunswick, Manitoba, Alberta and British Columbia an attempt has been made to provide further protection for the right to organize. The statutes of these provinces define "dispute" so as to include a dispute or difference relating to the employment of any person or class of persons, or the dismissal of or refusal to employ any particular person or class of persons, as well as claims relating to the giving of preference of employment to persons who are or are not members of a labour organization. Consequently, discriminatory practices against members of a trade union could be made the subject matter of a dispute which might be referred to conciliation and arbitration under the statutes of the respective provinces mentioned, if the members of the union wished to take issue with the employer's conduct.

A conciliation commissioner or board of arbitration, as the case may be, might be powerless to give adequate protection to a worker against whom an employer had discriminated unless he or it had authority to recommend the reinstatement of an employee improperly dismissed. While the statutes do not confer such power in express terms, Manitoba, for example, deals with the situation by declaring that no employee shall cease to be such within the meaning and for the purposes of the Act, (a) in the case of a lockout or strike; or (b) in the case of a dismissal where an application for the appointment of a conciliation commissioner is made within fifteen days after dismissal. Alberta and British Columbia have similar provisions.

In Alberta, it is lawful for the majority of the employees attending a meeting for the purpose of choosing a negotiating committee to prevent the attendance at such meeting of any persons whose attendance the majority does not desire. This clause is probably designed to prevent the attendance at such a meeting of what is known as a "company spy."

(ii) "*Yellow dog contracts*: A "yellow dog" contract is an employment contract, whether written or parol, whereby an employer binds himself not to join a trade union or not to participate in the customary activities of trade unions. Although there is no authoritative decision on the point in Great Britain or in Canada, there are grounds for believing that such a contract may be unlawful at common law as being in restraint of trade. However that may be, the vice of the "yellow dog" contract is twofold. In the first place it may place a restraint upon the exercise of the right to join a union by an employee who is not aware that it may lack legal validity and who is, in any event, unable to litigate the issue in the courts. In the second place, in a case decided by the Ontario courts in 1936, an interlocutory injunction was issued against employees who broke such a contract, thus seriously hampering their efforts to bargain collectively with their employer.

The anti-social nature of such contracts has been expressly recognized in Nova Scotia, New Brunswick, Saskatchewan, Alberta and British Columbia. In all these provinces, it is unlawful for an employer to attach to an employment contract a condition seeking to restrain an employee from exercising his rights under the Act. In addition, the Acts of these provinces declare that a clause in an employment contract containing such provisions is null and void and of

no effect. There is no express statement in any of the statutes that an employer who exacts such a contract from his employee is subject to a penalty, but, in New Brunswick, Alberta and British Columbia, there are general penalty sections which may apply to this situation. On the other hand, the fact that the respective provisions make the prohibited clauses null and void may mean that no other remedy is available. If the contract is entered into under compulsion of the sort previously described, that is to say if the conduct of the employer was of a coercive nature, he will have been guilty of an offence under the anti-intimidation sections of the various statutes.

(iv) *Right of employer to discharge for proper and sufficient cause:* Nova Scotia, New Brunswick, Saskatchewan, Alberta and British Columbia preserve the right of the employer to suspend, transfer, lay off or discharge any employee for proper and sufficient cause. Union activity and participation in collective bargaining would not, of course, constitute proper and sufficient cause. If the union believes that an employee has been discharged for improper cause, recourse may be had to the courts under the anti-intimidation provisions of the respective statutes. As an alternative, the matter may, in New Brunswick, Alberta and British Columbia, but not in Nova Scotia or Saskatchewan, be referred to conciliation and arbitration under the appropriate provisions.

(v) *"Company unions":* The term "company union" is not a term of art it is a term of convenience, and in any given case it has the significance which the user wishes to attach to it. Trade unions characterize as a "company union" any organization which an employer foists upon his employees by coercion or through some subtle form of bribery which deprives them of their right to exercise a free choice in the matter. Coercion usually takes the form of a threat of dismissal or of a refusal to employ unless a person joins the organization designated by the employer. Bribery may take various forms, ranging from wage increases to promotions or other preferences. Some question has been raised as to whether an employer who pays an employee for time devoted to union business might be regarded as fostering a "company union." If one may judge from the evidence submitted to this Committee by the trade unions, it would seem that, if the benefits conferred by the employer are designed to influence the employees' choice of a bargaining agency, they come within the vice of company unionism; otherwise they are not regarded as objectionable. To say that membership in an organization of the sort described above constitutes the exercise of the right to join a trade union is a contradiction in terms, because such an institution is to all intents and purposes the *alter ego* of the employer. If the employer enters into a collective labour agreement with such an entity, the unions maintain that he is in fact bargaining with himself so that there arises a conflict between a duty, which he has assumed as spokesman for his employees, and his own personal interest, which conflict must all too frequently end in his yielding to his personal interest. On the other hand, the fear has been expressed by some witnesses that legislation along the lines suggested by the trade unions may destroy collective bargaining agencies, freely and voluntarily chosen by the employees, which do not happen to be affiliated with one or other of the major labour organizations. An examination of the provincial statutes discloses that none of them outlaws any organization which is the free and voluntary choice of the employees concerned; they do, however, in many ways seek to prevent employers from dominating employees' organizations.

In Nova Scotia, New Brunswick and Manitoba, "company unions" are

dealt with indirectly by prohibiting certain types of employer interference with free organization, e.g., by intimidation, threat of dismissal, or refusal to employ. In Saskatchewan, "trade union" is defined in part as an organization of employees which is free from undue influence, domination, restraint or interference by employers. This definition is aimed at "company unions", but the only effect of the definition, read together with other sections of the Act, would be to safeguard an employer from being prosecuted for interfering with an employee's right to join a "company union", a highly unlikely eventuality. Beyond this provision, company unionism is dealt with in the same way in Saskatchewan as in Nova Scotia, New Brunswick and Manitoba. In Alberta, "company unions" are also covered by what might, for convenience, be referred to as the anti-intimidation section. In addition, there are two other ways in which disabilities may be imposed on "company unions" in Alberta. The first is probably only of academic interest—an employer who refused to bargain collectively with a "company union" would not be liable to prosecution. The second is a rather ingenious provision. Industrial disputes may be referred to conciliation and arbitration at the request of either party to the dispute and, until the conciliation machinery has been exhausted, no strike or lockout may take place. However, if an agreement between an employer and employees providing for the arbitration of disputes has been approved in writing by the Minister, the parties are, during the lifetime of the agreement, exempt from the provisions of the Act relating to conciliation. Presumably, the Minister would not accord this privilege to an organization which he suspected of being a "company union." The legislation of British Columbia is in similar terms.

(vi) *The right to bargain collectively:* There is no law which prohibits collective bargaining between employers and employees. Consequently, it is and, except between 1799 and 1800, always has been lawful for employers and employees to bargain collectively. However, it may be necessary to accord legislative support to the persons who exercise this right if the right is to be effective and real. A mere declaration of the right to bargain collectively may be of some value in itself because of its psychological effect; but in the absence of a sanction it will do little to circumvent the practices of recalcitrant employers. In Saskatchewan, the Act declares that it shall be lawful for employees to bargain collectively with their employer and for members of a trade union to conduct such bargaining through the duly chosen officers of the trade union, but no penalty is imposed upon an employer who refuses so to bargain. In New Brunswick, there is a declaration of the right of employees to bargain collectively through their duly elected representatives or through the duly chosen officers of the organizations to which the employees belong. It is not an offence for employers to refuse to bargain, but such refusal may be made the subject matter of a dispute to be referred for conciliation. In Nova Scotia, the declaration of the right covers trade unions and the duly chosen officers of such trade unions, the latter term being defined so as to cover any association of employees. Failure of an employer to bargain on request subjects the employer to a penalty. In Manitoba, the right is accorded to employees to bargain through their organizations or representatives if the representatives are British subjects. Collective bargaining is defined as "the negotiation carried on between representatives of employees and employer for the purpose of making an agreement in respect of wages, hours of employment or other conditions of employment." A rather cryptic penalty section probably covers the refusal to bargain collectively. Such refusal may also be made the subject matter of a dispute to be dealt with by the



conciliation machinery. In Alberta, the Act declares that it shall be lawful for employees to bargain collectively with their employers, and to conduct such bargaining through a negotiating committee or a trade union duly appointed by a majority vote of the employees affected. Refusal to bargain is covered by a penalty. It is also an offence for any person by intimidation and so on to seek to compel any other person to refrain from attending any meeting of employees held for the purpose of discussing grievances or appointing a trade union or negotiating committee to carry on collective bargaining. Immediately after the holding of such a meeting, information concerning the meeting must be filed with the Minister. Failure to file this information would be a bar to prosecution of an employer for refusal to bargain and would also prevent a union or negotiating committee from invoking the conciliation provisions of the Act. In British Columbia, there is also a declaratory section, supported by a penalty in case an employer refuses to bargain. If the majority of the employees were at the date of the coming into operation of the Act organized in a trade union, the bargaining may be carried on through the officers of the trade union; otherwise the bargaining is to be conducted through duly elected representatives of the employees affected.

(vii) *The bargaining unit and the bargaining agency:* If an obligation is imposed on an employer to bargain collectively with his employees, it is necessary to determine what unit of his employees shall have the right to require him to bargain. There is no difficulty in establishing the bargaining unit where an employer has one plant and the representatives of the employees act for all the employees. However, there are many organizational variations with which to contend. \* For example, an employer may operate more than one plant, and the question arises as to whether a bargaining unit shall consist of one plant or several plants or all the plants. Again, the members of a craft within a plant may claim that their interests are separate and divergent from those of the other employees and that an employer should bargain with them as a distinct unit. The great variety of forms of industrial organizations raises problems which may be dealt with in one or two ways, either by expressly defining in the legislation itself the bargaining units to which the Act shall apply, or by leaving a considerable degree of discretion to an administrator who is charged with the task of determining in any given case, on the facts of the case, what the natural and efficient scheme of organization may be.

In Alberta alone has any serious attempt been made to deal with the problem of the bargaining unit. The statute recognizes a unit consisting of a class or category of employees in addition to the larger unit consisting of all the employees of an employer. In British Columbia, the Acts refers to the employees in any separate plant or department as well as all the employees, and, in New Brunswick, mention is made of all employees of an employer, the employees in any separate plant or department, or the employees belonging to a particular craft. However, the definition of the bargaining unit has less significance in New Brunswick and in British Columbia than it has in Alberta. In Alberta, refusal to bargain with the representatives of the employees who constitute the unit is an offence, whereas in New Brunswick and British Columbia, as in Manitoba, the importance of the bargaining unit is chiefly in connection with an application by employees to the Minister to put into operation the conciliation machinery provided for under the several Acts. In Nova Scotia, if the statute is to be interpreted literally, the industrial unit would have to be given prefer-

ence over the craft unit if there was a conflict of interest between them. It may be doubted whether the draftsman anticipated such a result. Saskatchewan makes no provision on this point.

The definition of the bargaining unit is only the first step in the process. When the principle of what shall be the bargaining unit has been established, it is necessary to apply that principle in particular cases in order to ascertain whether the persons who are requesting bargaining rights constitute an appropriate unit within the principle. In Nova Scotia, Manitoba, Alberta and British Columbia, this question may fall for determination by the courts, since in these provinces an employer who refuses to bargain collectively is subject to a penalty and the plea of an employer in answer to a charge might be that the employees who had requested him to bargain did not constitute an appropriate bargaining unit. This could not occur in New Brunswick, because in that province no penalty is attached to the refusal to bargain. On the other hand, as we have already pointed out, in New Brunswick as well as in Manitoba, Alberta and British Columbia, the bargaining unit may have to be determined by the Minister upon application being made to him for the appointment of a conciliation commissioner or board of arbitration. In these provinces also the conciliation machinery may in its suggestions for adjustment of the dispute make recommendations with regard to the appropriate bargaining unit. However, such a recommendation in the ultimate analysis has no binding effect and may be rejected by the parties. In these provinces in which the courts, the Minister, and the conciliation machinery, all have jurisdiction to deal with the bargaining unit there is always the possibility that conflicting decisions might be rendered. It is of the utmost importance that such a state of affairs should not be permitted to occur under any legislation which this Committee may see fit to recommend.

Having determined the unit of employees with which the employer may be required to bargain it becomes necessary to ascertain who shall represent and speak for the employees of that unit and how the representatives shall be chosen. In Nova Scotia, the bargaining agency is the trade union or organization of employees representing the majority choice of the employees eligible for membership. In New Brunswick, the bargaining agency consists of the representatives of the employees duly elected by a majority vote of the employees affected or the duly chosen officers of the organizations to which the majority of such employees belong. The bargaining agent or agents in Manitoba may be an organization of employees, a trade union to which the majority of the employees concerned belong, or the representatives of such an organization or trade union if such representatives are British subjects. In Saskatchewan, where a union exists, the duly chosen officers of the union are the agents; in other cases it is the aggregation of employees. In Alberta, a negotiating committee or trade union, duly appointed by a majority vote of the employees affected or by a majority vote of any class or category of employees affected, may bargain. In British Columbia, the spokesman for the employees are the officers of a trade union if the majority of the members were organized in a trade union at the date when the Act came into effect, and in all other cases the representatives of the employees duly elected by a majority vote of the employees affected.

Except in Alberta, it would seem that the vote for ascertaining the representatives of the employees may be taken in the first instance by the employees themselves, without any government supervision. In the case of Alberta, the Act provides as follows:

Immediately after the holding of any meeting held for the purpose of appointing a trade union or negotiating committee to carry on collective bargaining, the chairman of such meeting shall proceed to make and deliver to the Minister a statutory declaration setting out,—

- (a) the name of the employer;
- (b) the place at which the employees are employed;
- (c) the total number of employees in the class or category affected by the appointment;
- (d) the number of such employees attending the meeting;
- (e) the names, titles and addresses of the officers of the trade union, or the names and addresses of members of the negotiating committee, as the case may be;
- (f) the total number of votes cast in favour of the trade union appointed if a trade union is appointed, or the total number of votes cast for each member of the negotiating committee if a negotiating committee is appointed.

If default is made by the chairman in filing such a statement, any person present at the meeting may make and deliver the declaration. Although omission to comply with the foregoing provisions does not constitute an offence under the Act, nevertheless no appointment of a trade union or negotiating committee has any effect until they have been complied with.

If any question arises as to the accuracy of a vote, the matter could be dealt with in New Brunswick, Manitoba, Alberta and British Columbia by the conciliation machinery which exists in those provinces. In addition, in Nova Scotia, Manitoba, Alberta and British Columbia, the courts might be called upon to determine the issue in the case of the prosecution of an employer for refusal to bargain.

In all cases where the representatives are chosen by some sort of vote, i.e., in all the provinces except Saskatchewan, all the employees concerned, whether members of the union or not, are entitled to vote and the majority principle governs. These statutes would also seem to confer exclusive bargaining rights upon the bargaining agency.

(viii) *Extent of duty to bargain:* The extent of the duty to bargain is nowhere clearly defined. Only in Manitoba is there even a definition of what collective bargaining entails. The definition reads as follows: "collective bargaining means the negotiation carried on between representatives of employees and employer for the purpose of making an agreement in respect of wages, hours of employment, or other conditions of employment." This language would seem to indicate that collective bargaining covers the negotiation of an agreement and does not necessarily extend to the conclusion of an agreement. In the other provinces, the scope of the obligation is left in doubt and would be a matter for the courts on a charge of refusal to bargain. It is highly improbable that the



courts would carry the obligation beyond bargaining in good faith. There is also further evidence in New Brunswick, Manitoba, Alberta and British Columbia, that the obligation is limited to compulsory negotiation and does not go to the extent of requiring the conclusion of an agreement where the parties are honestly unable to see eye to eye. In those provinces, conciliation machinery is provided to mediate disputes and the recommendations of a board of arbitration set up under the respective Acts may be rejected by the parties after such recommendations have been submitted to a vote of the parties by secret ballot.

(ix) *Enforceability of collective agreements:* In the absence of a statute declaring that collective agreements shall be legally binding upon the parties, no court in Canada can, in view of the decisions of the Judicial Committee of the Privy Council, entertain an action to enforce such an agreement. Save in Manitoba, collective agreements are unenforceable in the common law provinces of Canada. In Manitoba, while the same principle applies to most collective agreements, there are two exceptions. If the parties to a dispute agree in writing, at any time before a board of conciliation and investigation has made its report and recommendation, to be bound by such recommendation, the agreement constitutes a binding submission to arbitration, and the award of the board may be enforced by the courts. A similar result follows in Manitoba where the parties arrive at a settlement during the course of the reference of a dispute to a board and a memorandum of the settlement is signed by the parties who agree to be bound thereby.

(x) *Machinery for interpreting collective agreements:* Since a question may arise as to the application or interpretation of a collective agreement and resort cannot be had to the courts in such a case, it may be necessary to establish some other tribunal to which issues between the parties may be referred for adjudication. The parties to collective agreements frequently include therein an arbitration clause providing that disputes which cannot be adjusted by negotiation shall be referred to arbitration. In New Brunswick, Alberta and British Columbia, the legislation encourages the parties to include an arbitration clause in their agreements by granting them in return exemption from the conciliation provisions of the respective statutes. In Alberta and British Columbia, approval in writing by the Minister is a condition precedent to such exemption being granted. If a collective agreement in any of the last mentioned three provinces does not contain an arbitration clause, any dispute relating to its interpretation may be referred to conciliation and arbitration. A similar remedy is also available in Manitoba. Nova Scotia and New Brunswick make no provision for such an eventuality.

(xi) *Union recognition:* The requirement that an employer must bargain collectively with his employees implies a measure of recognition of the organization chosen by the employees. However, employers have often refused to acknowledge that they are in fact dealing with a trade union by insisting that they will negotiate only with a committee of their employees. Nova Scotia seeks to avoid difficulty on this score by declaring that "every employer shall recognize . . . the members of a trade union representing the majority choice of the employees eligible for membership." Failure to recognize a trade union subjects an employer to prosecution. No similar provision appears in the legislation of the other provinces.

(xii) *The "closed shop":* The "closed shop" is a term which signifies that

an employer has entered into a collective agreement with a trade union providing that his employees shall be members of that union. The term covers several types of organization. An employer may agree that he will hire only persons who are members of the union, or that any person whom he hires will join the union within a specified period. Since the beginning of the war a variation of the "closed shop" provision, known as the union membership maintenance clause, has appeared in many collective agreements in the United States and it is coming into use in Canada. The membership maintenance clause specifies that a person who is a member of the trade union at the time of the signing of the agreement is to maintain his membership in the union for the duration of the war. There is no provision in any of the statutes under discussion which compels an employer to concede a "closed shop" to his employees. However, since all the statutes contain an anti-intimidation clause which may lend itself to an interpretation making it an offence for an employer to enter into a "closed shop" agreement, some protection must be accorded to an employer who does conclude such a contract. Protection along these lines is provided in New Brunswick, Saskatchewan, Alberta and British Columbia. The statutes of Nova Scotia and Manitoba are silent on this score.

(xiii) *The "check-off"*: An employer is said to "check off" union dues when he deducts them from the wages payable to his employees and transmits them to the officials of the union. In Nova Scotia alone is provision made for the check-off. The section reads as follows:

12. In any industry in which by statute or by arrangement between employer and employees deductions are made from the wages of employees for benefit societies, hospital charges, or the like, deductions shall be made by the employer from the wages of the employees for periodical payments to a trade union of employees,—

- (a) if the officers of such trade union thereunto duly authorized by its members make application to the Minister of Labour for the taking of a vote to ascertain the wishes of the employees of such industry in respect of such deductions; and
- (b) if, upon a vote taken by ballot at times and under conditions fixed by the Minister of Labour, a majority of the employees of such industry vote in favour of the making of such deductions; and
- (c) if the individual employee being a member of such trade union makes to the employer a signed written request that such deductions be made from the wages due to him therein indicating the name of the person to whom such deductions shall be paid.

Under the Coal Mines Regulation Act of Nova Scotia, union dues may be checked off the wages of employees in or about mines without the necessity of a vote, upon the written request of any employee.

(xiv) *The right to strike or declare a lockout*: In Manitoba, Alberta and Saskatchewan, if a dispute arises between an employer and his employees, either of the parties to the dispute may ask the Minister to put the conciliation machinery into operation. If such an application is made, strikes and lockouts are

prohibited under penalty until the board of arbitration has reported and a vote of the employees by secret ballot upon the recommendations of the board has been taken. In Manitoba, no strike or lock-out may take place where the parties have agreed in writing to be bound by the award of the board or where the parties have signed a memorandum of settlement of the dispute and have agreed to be bound thereby. In New Brunswick, reference to a board of conciliation is compulsory except where there is an agreement providing for arbitration and the procedure laid down by such agreement is observed. The parties may reject the recommendations of the board of conciliation on a vote by secret ballot. In the case of a dispute as to wages, the matter must be referred to the Fair Wage Board and an order must be made by that authority before a strike or lock-out may legally take place. Once the "cooling off" period has expired, the parties have the same right to strike or to declare a lockout as they have at common law. In New Brunswick, it is an offence for an employer or any other person by coercion to seek to induce or compel any person to work or abstain from working or seeking employment. The comments made earlier, with regard to the validity of an anti-intimidation provision in connection with the right to organize, are equally applicable here. The statutes of Nova Scotia and Saskatchewan are silent on the question of the right to strike or declare a lockout.

(xv) *Registration*: None of the provinces provide for the registration of trade unions. On the other hand, all of them except Manitoba require the filing of a copy, duly certified by the proper officers, of the constitution, rules and by-laws or other documents which contain a full and complete statement of the objects and purposes of the union. In addition, Saskatchewan, Alberta and British Columbia require the filing of an annual statement setting forth the names and addresses of the officers. In New Brunswick, this statement must be filed when requested by the Minister. In Saskatchewan, a statement of the number of members must also be filed annually. In Alberta and British Columbia, the information filed is to be used only for the purposes of the Act and it is not open to inspection by the public.

(xvi) *Immunity from suit*: As a noted writer has pointed out, "Trade unions are by their nature organizations having very mixed yet related objects. They are benevolent societies for their members, and at the same time mercantile bodies acting as labour cartels, 'central selling agencies' for the labour of their members. They have business objects and propagandist objects; they belong to no simple type. Hence the difficulty of making them conform to any specific category of associations and the difficulty of framing a satisfactory legal status."

A royal Commission appointed in Great Britain in 1867 to inquire into the status of trade unions was concerned with this issue and the minority report of this Commission, upon which the Trade Union Act of 1871 was based, sets forth the following conclusion:

A very serious question arises here as to whether legislation of a far more comprehensive character is not needed to place trades unions on a full legal footing; whether, in fact, a complete statute should not be enacted, analogous to the provisions of the Friendly Societies Act and the Joint Stock Companies Acts, and the like, by means of which uniform rules would be framed for the formation, management and dissolution of these associations; and by which they should be enabled to sue and to be sued



by their members, to recover from members their contributions or fines, and be made liable to members for the benefits assured. We are inclined to believe that the time has not yet come, if it ever comes, for any such statute. . . . We are far from seeing any certainty that such an Act is even ultimately desirable. Trades unions are essentially clubs and not trading companies, and we think that the degree of regulation possible in the case of the latter is not possible in the case of the former. All questions of crime apart, the objects at which they aim, the rights which they claim, and the liabilities which they incur, are for the most part, it seems to us, such as courts of law should neither enforce, nor modify, nor annul. They should rest entirely on consent. We think the right course is, that they should be left to that spontaneous activity which produced them, and that the State cannot with policy interfere to give them a permanent or systematic character. They differ, however, from clubs in the fact that from their quasi-mercantile character, and the sphere of their operations, they suffer severely from the want of bare legal recognition.

The Trade Union Act of 1871 was designed to give them a qualified status.

At the time the Act of 1871 was passed there was seemingly no idea in anyone's mind that registered Trade Unions were being given a corporate status except to the extent made obvious in that enactment. The liability of voluntary associations in tort was at that time quite undefined, and certainly no one thought of saddling Trade Unions, even registered Unions, with the same liabilities, in this respect, as corporations. To apply the ordinary law of agency to bodies with the peculiar mixture of functions and the comparatively loose organization of Trade Unions would in any case be a matter of the utmost difficulty necessitating a complete recasting of Trade Union machinery and constitutions. In 1901, however, the Courts decided that the Amalgamated Society of Railway Servants, a registered Union, was liable for tortious acts committed during a dispute with the Taff Vale Railway Company by officials of the Union acting within the scope of their employment . . . and the Union had to pay heavy damages. The Law Lords held that the statutes which conferred certain privileges on registered Unions thereby implied the corresponding obligations. . . . There is little doubt that the parliament which passed the Act of 1871 had no such intention in mind, but deliberately stopped short of conferring full corporate privileges and liabilities (Milne-Bailey, Trade Unions and the State).

The effect of the Taff Vale Case was finally overcome by the Trade Disputes Act of 1906 which declared that "an action against a trade union . . . or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any Court." Thus, the Act of 1906 in Great Britain not only conferred upon trade unions immunity from suit for wrongs committed by them, but it also made it impossible for a litigant to sue the officers and members of a trade union in a personal or representative action for torts alleged to have been committed by or on behalf of the trade union. In addition, the members of trade unions were protected even against personal responsibility in certain instances. Thus section 1 of this Act declares that "an act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade

dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable, and section 3 declares that an act done by a person in contemplation or furtherance of a trade dispute is not actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labour as he wills." In view of these provisions, the members of trade unions are protected against civil liability in respect of most of the acts which may be committed by them in the course of a peaceful strike.

Trade unions in Canada fear that any form of registration may subject them to liability in the same way that liability was imposed on trade unions in Great Britain under the Trade Union Act of 1871. This is the chief ground for their objection to legislation which requires unions to register. As a matter of fact, as we have seen, none of the statutes in the common law provinces of Canada at the present time require registration. Nevertheless, even the filing of documents might conceivably be treated by the courts as equivalent to registration and as conferring upon the unions a quasi-corporate status. In British Columbia alone is there any legislation safeguarding the trade unions in this respect. The relevant provision is contained in the Trade-union Act of that province.

(xvii) *Filing of financial statements:* In Nova Scotia, trade unions are required to file annually a general statement of their receipts and expenditures and such further information as the Provincial Secretary may require from time to time. New Brunswick calls for a statement of receipts and expenditures to be filed when required by the Minister. In Alberta, an organization of employees, when so required by the Minister, must file a general statement of its receipts and expenditures, but this statement may be used only by the Minister and his Department for the purpose of compiling and publishing statistical summaries. No such summary may set out particulars in a way that will identify any organization. Any government employee who discloses information of this nature or allows anyone to have access thereto is liable to prosecution.

(xviii) *Reports to members:* In Nova Scotia, the Act provides that the secretary or treasurer shall give to each member on request a copy of the annual returns made to the government by the union. In New Brunswick, each organization is required to permit its members, upon application to the secretary or treasurer, to inspect the financial records of the organization and the members are entitled to take copies of the records free of charge. In both provinces, treasurers of trade unions must render to the members an account of receipts and expenditures properly audited at such times as the by-laws of the organization may provide.

(xix) *Administration:* In all the provinces, the prosecution of offences is a matter which is dealt with by the courts. In the course of a prosecution, the court may be called upon to interpret the various sections of the Act. Consequently, the courts would have power to determine whether an employer or any other person has engaged in unfair labour practices involving unlawful interference with the right to organize, whether the employer has bargained collectively within the meaning of the various Acts (except in New Brunswick), what is the bargaining unit and what are the bargaining agencies. In New Brunswick, Manitoba, Alberta and British Columbia, the Minister has power to deal with

the bargaining unit and the bargaining agency upon an application being made to him for the appointment of a board of conciliation. In Alberta and British Columbia, the Minister also has some jurisdiction in regard to "company unions" by virtue of his authority to exempt from the conciliation provisions of the statutes employers and employees whose relations are governed by collective agreements embodying arbitration clauses. In New Brunswick, Manitoba, Alberta and British Columbia, all issues involved in collective bargaining may also be dealt with by the conciliation machinery, although as we have already seen the decision of a board of conciliation or arbitration does not settle any matter finally if either of the parties refuses to accept its recommendations.

Laws are often meaningless if considered apart from the administration of justice. This is particularly so in the case of legislation such as that which we have been discussing. The issues which arise out of collective bargaining are peculiarly unsuited for adjudication by the courts because they involve a knowledge of industrial organization and industrial practices foreign to the judge's and magistrate's experience. In the vast majority of the jurisdictions in which collective bargaining legislation has been introduced, whether such legislation provides for compulsory bargaining or only for the establishment of conciliation machinery, administration has been vested in an administrative authority. Persons chosen to deal with legislation of this sort are persons skilled in coping with industrial problems and, through continuous attention to the issues with which they are called upon to deal, they have the opportunity of evolving a jurisprudence of industrial relations which can in time create in the minds of the public that degree of faith in the judicial quality of the tribunal which is of the essence of justice.

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#### MEMORANDUM SETTING FORTH THE ORIGIN, PRINCIPLES AND ADMINISTRATION OF THE NATIONAL LABOUR RELATIONS ACT IN THE UNITED STATES.

In the United States, as in Great Britain and in Canada, the abstract rights of organizing trade unions and bargaining collectively have long been recognized. However, the employer was under no obligation to recognize those rights, which could therefore only be established through industrial warfare—strikes, lockouts and their concomitants. As early as 1898, and on many occasions thereafter, official commissions and committees of various sorts investigated problems of collective bargaining in the United States, searching for a solution which would substitute law and order for turmoil and the resort to self-help that had long ago been outlawed in other fields of human relations. These commissions recognized the beneficial effect of established collective bargaining relations; they felt that no employer should discriminate against an employee by reason of his membership in any labour organization; but they believed that harmonious relations could best be established by a process of education rather than through the compulsion of legislation. However, as we read these reports, we find that at first some of the members and then more and more of the members of the various commissions begin to lose faith in sermonizing, and they demand that congress take steps to eliminate anti-social practices in industry by legislative action. A great forward step along these lines was taken during the last war in the establishment on April 8, 1918, of the War Labour Board, a body which may be regarded as the direct ancestor of the National Labour Relations Board. Although the War Labour Board had no powers of enforcement, public opinion was suffi-



ciently effective to ensure compliance with its decisions. This Board went out of existence in 1919.

Meanwhile, employer-employee relations in the railroad field were attracting public attention. The necessity for uninterrupted operation of the railroads brought forth a public demand that Congress establish machinery for the orderly litigation of grievances in that field. Various statutes were enacted to this end and, in 1926, the Railway Labour Act gave legislative recognition to the right of employees to organize and to their right to bargain collectively. A subsequent decision of the Supreme Court of the United States held that the Act had outlawed company unionism and the offensive against company unions on the railroads was continued by the Co-Ordinator of Transportation under powers conferred upon him by the Emergency Transportation Act of 1933. In 1934, the Railway Labour Act was rewritten in such a way as to give greater definition to the powers exercised by the Co-Ordinator in this regard. In this Act, the basic principles, which were later embodied in the National Labour Relations Act were laid down.

So much for railroad legislation. In so far as industry in general was concerned, the Norris-LaGuardia Act in 1932 outlawed "yellow-dog" contracts in all industries within the legislative jurisdiction of the Congress of the United States. Then in 1933, Congress enacted the National Industrial Recovery Act. That Act was designed primarily to stimulate economic recovery, but the price of labour support for the scheme was the inclusion in the Act of the famous Section 7 (a), the relevant portions of which are as follows:

- (1) . . . employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labour, or their agents, in the designation of such representatives or in self organization or in other concerted activities for the purpose of collective bargaining or other mutual aid and protection;
- (2) . . . no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing or assisting a labour organization of his own choosing.

It would profit us little to consider the way in which the Act was interpreted or applied, or to seek to ascertain what protection it actually afforded to labour. Suffice it to say that it overlooked many of the vital issues of collective bargaining and that, long before the National Industrial Recovery Act was declared unconstitutional, the weaknesses of Section 7 (a) of that Act had become apparent. Not the least of these weaknesses were the facts that its terms were ambiguous, and that there was no adequate sanction to ensure compliance with the Act and no adequate administrative machinery to carry its provisions into effect. Nevertheless, the lessons learned in the administration of the National Industrial Recovery Act proved invaluable guides in the formulation of the policy embodied in the National Labour Relations Act, because important principles of industrial jurisprudence were hammered out on the anvil of experience.

In 1935, Congress enacted the National Labour Relations Act. The Act

declares in section 7 that "employees shall have the right to self-organization, to form, join or assist labour organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining, or other mutual aid or protection." This section is no more and no less than a declaration of public policy. Standing by itself it would be merely a repetition of declarations in similar terms by various official commissions and committees during the years before 1935. The policy of section 7 is, therefore, implemented by the provisions of section 8 which sets out a list of unfair practices henceforth prohibited to employers and their agents. Section 8 reads as follows:

It shall be unfair labour practice for an employer,—

- (a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in Section 7;
- (2) To dominate or interfere with the formation of any labour organization or contribute financial or other support to it; Provided, That subject to rules and regulations made and published by the Board . . . an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay;
- (3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labour organization; Provided, That nothing in this Act . . . shall preclude an employer from making an agreement with a labour organization (not established, maintained, or assisted in any action defined in this Act as an unfair labour practice) to require as a condition of employment membership therein, if such labour organization is the representative of the employees . . . in the appropriate collective bargaining unit covered by such agreement when made;
- (4) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under the Act;
- (5) To refuse to bargain collectively with the representatives of his employees.

Special attention should be directed to several of the matters dealt with in this section. The second clause, which forbids an employer to make any financial contribution to or support any labour organization, is designed to deal with the problem of company unions. Company unions as such are not declared in express terms to be beyond the pale of the law. The issue is approached by forbidding an employer to engage in certain types of conduct which Congress regarded as likely to deprive an employee of his power to exercise a free choice in the selection of a labour organization. Under this provision, employees may establish and join independent unions and plant councils just as freely as they may establish and join unions affiliated with the major labour organizations and employers may deal with such unions or councils without infringing the Act, so long as such independent unions and plant councils are not under the domination

of an employer. In addition, an employer may pay his employees for time spent by them in conferring with him during working hours, a practice which exists in a number of industries. However, to ensure that an employer does not resort to such practices in order to evade the terms of the Act by indirect means, these payments are made subject to the supervision of the Board.

The third clause prohibiting discrimination contains a saving clause in favour of the closed shop. The Act does not require an employer to conclude a closed shop agreement, but if he does enter into such an agreement he is not to be regarded as violating the prohibition against discrimination. He must not, however, enter into a closed shop agreement with a company union.

Clause 5 declares it to be an unfair labour practice for an employer to refuse to bargain collectively. The extent of the obligation resting on the employer is to bargain in good faith. If there is an honest difference of opinion between the employer and the representatives of his employees, the employer cannot be charged with having refused to bargain in good faith. In order to determine the persons with whom he must bargain and the entities for whom they speak, the Act sets out a procedure for ascertaining the bargaining unit and the bargaining agency. Authority is conferred upon the Board to determine in each case "whether, in order to insure to employees the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of this Act, the unit appropriate for the purpose of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof." If any question arises as to who the bargaining agencies shall be, the Board must hear and determine the question and determine the question after an appropriate hearing. In this connection, it may hold an election by secret ballot or it may use other suitable means. Although the Act provides that the representatives selected by the majority of the employees in the appropriate unit shall be the exclusive representatives of all the employees in the unit for the purpose of collective bargaining, a proviso preserves the right of any individual employee or any group of employees to present grievances to an employer.

The foregoing provisions contain the pith and substance of the legislation. The rest of the Act consists of administrative provisions for carrying these principles into effect. For this purpose, a board of three persons is set up with power to hear and determine, upon complaint, charges that an employer has engaged in any of the prohibited practices. In addition, for the purpose of ascertaining whether an employer has refused to bargain collectively with the representatives of his employees, the Board is empowered upon application being made to it to certify as to the appropriate bargaining unit and as to the bargaining agency, conducting elections among employees where such a course is necessary. The Board is not an inquisitorial body; it acts only upon complaint or application being made to it by a person or organization labouring under a grievance. Because of constitutional doctrines in the United States, the Board cannot itself enforce its orders. It can only issue directives and cease and desist orders, including directions that employees improperly dismissed be reinstated and that they receive back pay. However, the Board may petition the courts for the enforcement of its orders and, upon such petition, the findings of the Board as to the facts are, if supported by evidence, conclusive. Provision is made for judicial review of the decisions of the Board upon application of an aggrieved party, but the same limitation is placed on judicial review of the facts here as



in the case of a petition to the courts by the Board itself. In this connection it should be pointed out that the provisions relating to judicial review in this Act are in large part the product of constitutional limitations which make such review imperative in the United States. Generally speaking, it may be said that no such constitutional limits are to be found in Canada.

Rules of procedure for the conduct of the Board's activities are set out at some length in the Act. The Board does not pursue any star-chamber methods. Proceedings are initiated by complaint served upon the person charged with engaging in an unfair labour practice. The complaint must contain a notice of hearing at a place and time designated therein. The person against whom complaint is made has the right to file an answer to the charge and to appear in person and give testimony. Testimony is usually taken by an official of the Board, known as a trial examiner, who prepares a report for the consideration of the Board itself. The Board may issue its decision on the basis of the record or it may take further testimony and hear further argument as it sees fit, but in such an event it must give notice to the parties of its intention to do so. The decision of the Board is then embodied in a finding of fact and direction or order, as the case may be.

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#### MEMORANDUM RELATING TO TRADE UNION LEGISLATION IN GREAT BRITAIN

British legislation relating to trade unions and their activities is contained in the following statutes: Trade Union Act, 1871; Conspiracy and Protection of Property Act, 1875; Trade Union Act Amendment Act, 1876; Trade Disputes Act, 1906; Trade Union Act, 1913; Trade Union (Amalgamation) Act, 1917; Trade Disputes and Trade Unions Act, 1927. Conciliation machinery is provided for in the Conciliation Act, 1896, in the Industrial Courts Act, 1919, in the Conditions of Employment and National Arbitration Order of July 18, 1940, and to some extent in the Trade Boards Acts of 1909 and 1918. Many of the provisions of these Acts deal with matters which are not before this Committee and accordingly the following discussion will be confined to questions of status and collective bargaining:

(i) *Restraint of Trade:* The Trade Union Act of 1871 removed from trade unions generally, whether registered or not, the stigma of illegality and unlawfulness flowing from the operation of the doctrine of restraint of trade. If these provisions were to remain unqualified, every contract entered into by a trade union would have been enforceable through the courts; a trade union might perhaps in a proper case have been able to enjoin any of its members from working with non-unionists or from continuing to work under non-union conditions. Employers were not prepared to concede so much power to trade unions and the Act, therefore, provided that certain contracts or agreements were not to be enforceable by virtue of the Act, unless they would have been enforceable apart from the Act. The contracts or agreements dealt with in this fashion were the following:

- (1) Any agreement between members of a trade union as such, concerning the conditions on which any members for the time being of such trade union shall or shall not sell their goods, transact business, employ or be employed;

- (2) Any agreement for the payment by any person of any subscription or penalty to a trade union;
- (3) Any agreement for the application of the funds of a trade union,—
  - (a) to provide benefits to members; or
  - (b) to furnish contributions to any employer or workman not a member of such trade union, in consideration of such employer or workman acting in conformity with the rules or resolution of such trade unions;
  - (c) to discharge any fine imposed upon any person by sentence of a court of justice;
- (4) Any agreement made between one trade union and another; or
- (5) Any bond to secure the performance of any of the above mentioned agreements.

(ii) *Registration*: The Act of 1871 provides for the voluntary registration of trade unions upon the application of seven or more members. Registered trade unions are permitted to purchase or lease or otherwise deal with property in the names of trustees, to hold real and personal estate in the names of the trustees, and to sue or be sued in respect of such property in the names of the trustees. No mention was made in the Act of any liabilities of trade unions other than those touching or concerning the property, right, or claim to property of the trade union. However, in 1901, in the Taff Vale Case, the House of Lords held that a registered trade union was a quasi-corporate entity which could be sued in its registered name for torts committed on its behalf by the members. This liability was removed by the Trade Disputes Act of 1906, which declared that "an action against the trade union . . . or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court." As has already been pointed out to the Committee in a previous memorandum, the Trade Disputes Act of 1906 not only conferred immunity upon Trade Unions but it also conferred immunity in certain instances upon the members when acting in contemplation or furtherance of a trade dispute. This protection was accorded to trade unions generally; it was not confined to registered trade unions. However, even after 1906, many trade unions refrained from registering because they feared that, despite the broad terms of the Act of 1906, the courts might find some way of imposing liability upon them. Thus, doubts arose as to whether any particular organization of employees was entitled to claim the privileges conferred upon trade unions by the Act of 1906. Accordingly, the Trade Union Act of 1913 provided that any unregistered trade union might without registering apply to the Registrar of Friendly Societies for a certificate that it was a trade union within the meaning of the Act. If the objects of the applicant union and its constitution fulfilled the requirements of the Trade Union Acts, 1871-1913, the Registrar could issue a certificate which constituted conclusive evidence that the organization was a trade union entitled to all the rights and privileges conferred by the Trade Disputes Act of 1906.

(iii) *The Right to Organize:* There is no legislation in Great Britain specifically guaranteeing to employees the right to organize. That is a right which is freely accorded and public opinion simply would not countenance any action by an employer which tended to interfere with an employee who sought to join the trade union of his choice. Restrictions have, however, been imposed upon two groups of employees. The Police Act of 1919 established for the members of the police forces a police federation which was to be "entirely independent and not associated with any body or person outside the police services." Members of police forces could not join "any trade union or any association having for its objects, or one of its objects, to control or influence the pay, pensions, or conditions of service of any police force." Constables who were members of a union therefore could continue their membership in such organization with the consent of the chief officer of police.

In 1927 the Trade Disputes and Trade Unions Act provided that the Treasury should make regulations "prohibiting established civil servants from being members, delegates or representatives of any organization of which the primary object is to influence or affect the remuneration and conditions of employment of its members, unless the organization is an organization of which the membership is confined to persons employed by or under the Crown and is an organization which complies with such provisions as may be contained in the regulations for securing that it is in all respects independent of, and not affiliated to any such organization as aforesaid the membership of which is not confined to persons employed by or under the Crown, or any federation comprising such organizations, that its objects do not include political objects, and that it is not associated directly or indirectly with any political party or organization." Civil servants who had been members of a union for six months before the passing of the Act and who had acquired benefit right might continue their membership.

(iv) *The Right to Bargain Collectively:* The right to bargain collectively is as fully recognized in practice in Great Britain as is the right to organize. Here again public opinion would ostracize an employer who refused to meet and bargain with his employees. Consequently, the right to bargain collectively has no need of legislative support. In peace time there is no provision for compulsory collective bargaining. Under the Conditions of Employment and National Arbitration Order, 1940, either party to a dispute may report the issue to the Minister who may in such an event refer the matter to the National Arbitration Tribunal, unless suitable machinery for dealing with a dispute already exists in the industry, in which event the matter is to be referred by the Minister to the agency within the industry. The decisions of the Tribunal or of the agency within the industry are final and binding and the terms of the award become legally binding as part of the employment contract between the employer and each individual employee who is a member of the group concerned in the dispute. No employer may declare a lockout and no employee may take part in a strike unless the dispute has been reported to the Minister and unless the Minister has for twenty-one days from the date of the filing of the report failed to refer it for settlement in the manner outlined above.

(v) *Filing of Financial Statements and Other Information:* On the occasion of an application for registration, the applicants must file with the Registrar, along with the application, copies of the rules of the union together with a list of the titles and the names of the officers. The rules of the union must contain provisions with regard to the following matters:



1. The name of the trade union and place of meeting for the business of the trade union.
2. The whole of the objects for which the trade union is to be established, the purposes for which the funds thereof shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member of such trade union.
3. The manner of making, altering, amending, and rescinding rules.
4. A provision for the appointment and removal of a general committee of management, of a trustee or trustees, treasurer, and other officers.
5. A provision for the investment of the funds, and for an annual or periodical audit of accounts.
6. The inspection of the books and names of members of the trade union by every person having an interest in the funds of the union.
7. Provision for the manner of dissolving the union.

If the union has been in operation for more than a year before the date of the application, the applicants must also file a general statement of the receipts, funds, effects, and expenditures of the union. Registered unions are also required to file annually a general statement of their receipts, funds, effects and expenditures, together with a copy of all alterations of rules and changes of officers.

(vi) *Reports to Members of Registered Unions:* Every member of a registered union is entitled to obtain a copy of the rules on payment of a fee not exceeding one shilling. In addition, every treasurer is required to render, at such times as the rules of the union may provide, a statement of receipts, expenditures, and assets. Every member of the union is entitled to receive a copy of the annual statement filed with the Registrar.

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#### MEMORANDUM ON THE PENNSYLVANIA LABOUR RELATIONS ACT

In 1937, the Commonwealth of Pennsylvania enacted the Pennsylvania Labour Relations Act modelled on the National Labour Relations Act of the United States. In 1939, the Pennsylvania Act was amended so as to impose certain restrictions upon trade unions. Thus, the provisions exempting the closed shop from the discrimination clause of the Act was modified to ensure that an employer could sign a closed shop agreement only with a union which was prepared to admit to membership all persons who were employees of the employer at the time when the agreement was entered into. In addition, it was declared to be an unfair labour practice for an employer to check off union dues "unless he is authorized so to do by a majority vote of all the employees in the appropriate collective bargaining unit taken by secret ballot, and unless he thereafter receives the written authorization from each employee whose wages are affected."

The Act goes on to define certain practices which are forbidden to labour organizations, their officers and representatives, and to employees acting in concert. These unfair labour practices are as follows:

It shall be an unfair labour practice for a labour organization, or any officer or officers of a labour organization, or any agent or agents of a labour organization, or any one acting in the interest of a labour organization, or for an employee or for employees acting in concert,—

(a) To intimidate, restrain, or coerce any employee by threats of force or violence or harm to the person of said employee or the members of his family or his property, for the purpose and with the intent of compelling such employee to join or to refrain from joining any labour organization, or for the purpose or with the intent of influencing or affecting his selection of representatives for the purpose of collective bargaining.

(b) During a labour dispute, to join or become a part of a sit-down strike, or, without the employer's authorization, to seize or hold or to damage or destroy the plant, equipment, machinery, or other property of the employer, with the intent of compelling the employer to accede to demands, conditions, and terms of employment including the demand for collective bargaining.

(c) To intimidate, restrain, or coerce any employer by threats of force or violence or harm to the person of said employer or the members of his family, with the intent of compelling the employer to accede to demands, conditions, and terms of employment including the demand for collective bargaining.

Bargaining rights are expressly guaranteed to each craft unit which requests such rights. Certification of representatives is confined to labour organizations which have not committed any unfair labour practices. Apparently, in the case of employees not organized in any labour organizations, the application for certification can be entertained by the Board only upon petition of a group of employees in the bargaining unit representing at least 30 per cent of the employees of that unit. A person charged with having engaged in any unfair labour practices may plead by way of defence that the complainant has himself engaged in unfair labour practices and proof of this allegation operates as a complete defence to the complaint.

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THE CHAIRMAN: Are there any of the members who desire to ask Prof. Finkelman any questions?

MR. MACKAY: On what?

THE CHAIRMAN: Well, he has presented a digest of the laws of Canada, the United States, Australia and New Zealand in respect of these matters.

MR. AYLESWORTH: May I ask some questions?

THE CHAIRMAN: Certainly.

MR. AYLESWORTH: I do not think this could be considered cross-examination of my friend, Prof. Finkelman.

It is simply to adduce to me a little information.

Q. Prof. Finkelman, you have been good enough to supply the Committee, I think, and you have certainly supplied me, with a copy of The National Labour Relations Act. That is, of course, commonly referred to as the Wagner Act.

A. That is right.

Q. Such study as I have given that Act before this Committee and elsewhere indicates to me, and I would like you to affirm the impression if it is accurate or to explain if it is inaccurate, that the so-called Wagner Act of the United States prohibits by its terms nothing, no action by an employee or by a collective bargaining agency. In other words, the prohibitions contained in that Act are all directed against a certain possible action by an employer. Am I right in that?

A. That is right.

Q. And then again, Prof. Finkelman, there are no provisions, I think, in the Wagner Act for any review of the certification or of the term of the certification under the Act of a collective bargaining agency.

A. I am afraid I will have to disagree with that.

Q. I wish you would, please, just explain your views on it.

A. Any decision of an administrative authority in the United States is subject to review by the courts. There is an inherent jurisdiction—

THE CHAIRMAN: Say that again.

A. There is an inherent jurisdiction in the courts of the United States to review every administrative Act, every administrative decision.

Q. Under the constitution?

A. By virtue of the constitution of the United States. The situation in the United States is quite a bit different to the situation in Canada.

MR. AYLESWORTH: Q. Constitutionally, that is so.

A. Quite. The situation in the United States is that the dual purposes clause of the constitution requires every decision by an administrative authority to be reviewed by the courts if a litigant asks for relief along those lines. In Canada it is possible for us to bar the courts entirely, as has happened on a number of occasions in this very province.

Q. Well, Professor, I have no disagreement with that; in fact, that was my own understanding of the situation there, but, what I was endeavouring to



bring out was this, that, under the Wagner Act, if a collective bargaining agency is certified as to any collective bargaining unit there is no express provision in the Wagner Act providing for either the employees or the employers applying to the board set up under the Act for a review of that certification. If they have any such thing in mind they must go to the courts under the constitutional provision allowing them to do so.

A. The constitutional power of the courts to review would operate automatically. You do not have to provide in a statute that there shall be a review if the common law methods of review are sufficient.

Q. You are not disagreeing with me, but I would like to see if you agree with me in this. The Wagner Act does positively provide machinery for the ascertaining of a bargaining unit and for the certification of a bargaining agency.

A. That is right.

Q. It does not positively provide in its own terms for the review of that certification or for a review of the term for which the certification shall be made?

A. That is right; not in express terms.

Q. As you so properly pointed out, it is their constitutional right, however, to go to the courts to assist them in that matter if they so desire?

A. That is right.

Q. Then, again, the Wagner Act provides that any finding of fact by the board set up by that Act shall not be disturbed by any of the constitutional courts of the United States if the finding of fact is supported by any evidence?

A. I just want to check up on that.

Q. Yes.

A. The Act declares that the findings of the Board as to the facts, if supported by evidence, shall be conclusive.

MR. ANDERSON: What page?

MR. AYLESWORTH: On page 6, subsection (e) of section 10. The professor is quoting section 10 of the Wagner Act, which says:

"The findings of the Board as to the facts, if supported by evidence, shall be conclusive."

I would like to ask the professor if in his view that provision in the actual working out in the courts thereof has not resulted in this state of affairs in the United States, namely, that if under the Wagner Act a Board, after hearing the evidence, makes a finding and there is any evidence whatsoever, whether it is the weight of the evidence or the preponderance of the evidence, or whether it is just even fragmentary evidence in support of their finding, the courts have taken the position that they are not at liberty to review that finding.

THE WITNESS: No. I cannot agree with that statement, because—

Q. Well, I am sorry, because it has been my impression by reason of the study I have been able to give to the decisions in the United States on that point that the courts have found themselves hampered in a review of the Wagner Act provisions and findings of fact because of the very language in the Act and have found themselves unable to proceed on what the courts generally proceed upon in a review and that is the preponderance of evidence.

A. I am afraid I certainly must disagree with that, Mr. Aylesworth, because I think this provision as it appears in the National Labour Relations Act, if anything, gives to the courts a greater power of review over facts than is the case at common law. The position is something like this: The courts have declared in connection with administrative proceedings that they will not interfere with the wisdom of the administrator's decision, so that as long as the administrator—

THE CHAIRMAN. Q. What about the ignorance of the administrator's decision?

A. That is something the public must take a chance on. And, if the decision is supported by any evidence at all then there can be no review. That is the common law position. The courts in the United States have gone some distance beyond that and have insisted they have a much greater right of review over facts than that which I have indicated as being the position at common law.

MR. AYLESWORTH: Q. I see here, and I do not need to refer to the wording, some reference to some more recent decisions of the Supreme Court of the United States in which they have found that very wording to which we have referred in the Wagner Act. Facts if supported by evidence means facts if supported by substantial evidence and that substantial evidence means such relevant evidence as a reasonable man might accept as adequate to support a conviction.

A. Quite. That is what I was going to point out. In a great many American States you will find that the powers of the courts to review facts are much greater than they are in Canada.

The position is something of this sort, along these lines. The courts ordinarily will not review the decision of an administrative tribunal any more than they will review the decision of a jury, but they will review the decision of an administrative tribunal in much the same way as they will the decision of a jury. If you want greater review than that you have to include in the statutes specific words to that effect.

Q. Now, that is all I have to ask you, and I am obliged for your help in respect of the Wagner Act.

There are one or two questions, however, I would like to ask you in respect of legislation in Great Britain, in which naturally all the members of this Committee are interested. Is it not the fact that in Great Britain the authorities have seen fit to make certain restrictions upon the right to organize of such bodies as the police forces and as the civil servants?

A. That is set out in my memorandum.

Q. I wonder if you will agree with me as to this, that the gist of the regulations, while it does not prohibit such bodies from organizing collectively, prohibits them from organizing in an association which is comprised of any members outside of the very body of employees, itself. That is, policemen may only organize in an association of policemen, and civil servants may only organize in an association of civil servants.

A. That is set out in my brief.

Q. I mean you are agreeing with me?

A. Yes.

MR. NEWLANDS: In other words, a plant union?

MR. AYLESWORTH: Possibly a group union, comprised only of the employees of that group.

MR. ANDERSON: Is there anything about municipal employees?

MR. AYLESWORTH: What have you to say about that?

A. There is a provision in the 1927 Act about municipal employees. It is contained in the Trade Disputes Act of 1927, Chapter 1. It does not prevent employees of public authorities from joining trade unions, but I should imagine that it would prevent employees of trade unions agreeing with the municipal councils or other local authorities to make it a closed shop.

MR. ANDERSON: Public authorities, of course, would include public utilities as we know them?

THE WITNESS: Quite.

MR. AYLESWORTH: These things are all adequately covered in the briefs of the professor. I thought you had so much to read that some of these pertinent points would be well to be brought out.

THE CHAIRMAN: It was your desire to stress two or three points, and that is all?

MR. AYLESWORTH: Yes.

Q. Also, in Great Britain, there is a provision as a result of the reluctance of trade unions to register, even under the 1906 Trade Disputes Act of England and by later legislation there is a provision enabling trade unions if they comply with certain requirements to secure from the registrar a certificate that they are a union subject to the provisions of the Trade Disputes Act or complying with it?

A. That is right.



Q. And that has been, I believe, liberally taken advantage of by the Trade Unions in Great Britain?

A. Yes.

MR. MACKAY: Q. Is that not obligatory, not compulsory?

A. No.

MR. AYLESWORTH: Q. Under the Trade Disputes Act trade unions secure certain privileges. They were afraid for a long time that the registration under the Act despite the provisions of the 1906 Act might subject them to a status in which they could sue or be sued. Later Great Britain provided that the unions might apply to the Registrar under the Act for a certificate on certain conditions—for a certificate, not to register—that that union was a union within the meaning of the Trade Disputes Act, and therefore was entitled to the privileges under that Act.

MR. MACKAY: Q. What advantage would those privileges give them?

A. It would save them from any action.

Q. I understood no action could be taken against a union?

A. That is true; no action could be taken against a trade union under the Trade Disputes Act of 1906, but then the trade union would have to establish it was a trade union within the meaning of the 1906 Act. They would have to establish permanently in court that they were a trade union. Suppose an action was to be brought against an organization of employees, they would have to come into court and establish that they were a trade union within the meaning of the Act. To avoid the necessity of establishing that in an action the union could go to the registrar and obtain a certificate to that effect. If the registrar issued it to them it was conclusive, for all purposes, and all they would have to do would be to file it in court and the judge would not question it.

THE CHAIRMAN: It barred any action?

A. It barred any action.

Q. What were the conditions or what are the conditions for registration under the Act?

A. The conditions for registration are set out. They have to file their constitution and by-laws and the rules of the trade union must contain certain matters. They are set out on pages 4 and 5 of the third part of my memorandum.

MR. AYLESWORTH: Q. They must, professor, am I not right in this, and as is set out in your brief, among other things, not only file their constitution but the constitution must provide for an annual or periodic audit of the accounts?

A. That is right.

THE CHAIRMAN: By whom?

MR. AYLESWORTH: It does not state, but the constitution, if they are going to register, must provide for an annual or periodical audit.

Q. Then, professor, if the union requiring or asking for registration has been in operation for more than one year, when they apply for registration they must file a general statement at that time of the receipts, funds, effects and expenditures of the union?

A. That is right.

THE CHAIRMAN: You mean by that they have to get an annual certificate of registration?

MR. AYLESWORTH: Again they are required to file an annual general statement of their receipts, funds, effects and expenditures.

THE CHAIRMAN: That is not published; just filed.

MR. AYLESWORTH: Then there is the further provision, and I think the professor will agree with me, that in addition every member of such a union may, upon the payment of a fee of a shilling to the registrar, secure at any time the financial statement of his union.

Q. Am I not right?

A. That is right.

THE CHAIRMAN: What about a hod-carriers' union?

MR. AYLESWORTH: If he were willing to pay the shilling, all right. Those are some of the points which I thought might be of some interest to the Committee.

MR. LANG: May I ask a couple of questions? I was going to ask, perhaps, if he could give me a hand in respect of a couple of facts?

Q. Dealing with the first memorandum covering analysis of legislation in Canada—and this has to do with what are so-called company unions—from the evidence submitted to this Committee by trade unions it would seem that if the benefits offered by the employer are designed to influence the employee's choice of a bargaining agency they come within the confines of company unionism. I was wondering why you use the word "designed"? If you used that word applied to the Bell Telephone Union would you say it was one which was designed, that the benefits conferred by the employer were designed to give it the vices of a company union?

MR. AYLESWORTH: That is a pretty difficult question.

THE WITNESS: I agree with Mr. Aylesworth. I would not care to pass judgment on the Bell Telephone Company at the present time without an examination of all the evidence. I think I get your point. I think I can answer it in this way, that, if an employer hoped that by offering very good conditions to his employees—

THE CHAIRMAN: Say that again.

THE WITNESS: If an employer had hopes that by offering excellent conditions to his employees no trade union would ever come into his plant, let us say he established for them social clubs, pension funds and so on, that would not be designed to influence the employees' choice of a bargaining agency, but, let us say, for instance, a union came in and began organizing, and two weeks later the employer suddenly called the people together and said "I am going to give you pensions," it might be a legitimate inference to be drawn by an administrative tribunal administering such a legislation that that benefit was offered or designed, rather than offered, with a view to influencing the employees' choice of a bargaining agency.

MR. LANG: In other words, you would say when you are dealing with that point you are dealing with motive?

A. Quite.

Q. You will agree, likely, it is a difficult matter to deal with any legislation which involves any question of motive?

A. Well, it would not be any more difficult to deal with motive there than to deal with motive in a case of malicious prosecution or to deal with motive in the case of the defence of qualified privilege or conspiracy. In conspiracy you have motive dealt with all the time in the criminal courts.

Q. On page 10, at the beginning of the second sentence, top of the page:—

"A mere declaration of the right to bargain collectively may be of some value in itself because of its psychological effect."

I mention this because, as I recollect it, in the thirteen points submitted by the Minister of Labour to this Committee, in point No. 11, I think it is, he suggests the necessity for a pronouncement or an enactment dealing with collective bargaining. Now, do you still say that a mere declaration of the right is going to have a psychological effect?

A. You answer that question yourself. "Thou shalt not steal" does not mean anything if there is no penalty attached to it.

Q. So you disagree with the Minister, I take it, because he suggests there should be a pronouncement or enactment. I think that is quite correct. I am quoting from his thirteen points.

A. I do not recall offhand. I would not say that I disagree with the Minister, but I would say it might be of value because it might have some psychological effect, but I do not think it would go beyond that.

Q. Now, on page 15 you make a reference to legislation in Manitoba with reference to collective bargaining being subject to a penalty. I am just wondering about that now. On page 10, you say at the bottom of the first paragraph, referring again to Manitoba:



"A rather cryptic penalty section probably covers the refusal to bargain collectively."

I raise that question because my information is that very recently the Manitoba Legislature rejected a Bill for compulsory bargaining. Do you know about that?

A. A Bill was introduced by Mr. Farmer which was rejected by the House. I have not a copy of the Bill here, and I did not peruse it carefully because I receive quite a number of Bills, and it was, of course, impossible to deal with legislation which was in someone's mind and which had not been enacted by anyone.

MR. OLIVER: It was not an outright rejection?

A. I think it was defeated.

MR. LANG: By a vote of 30 to 12.

THE WITNESS: It was left in abeyance until Prof. Lougheed of the University of Manitoba had an opportunity to study legislation in other jurisdictions.

MR. LANG: My information from the Minister of Labour of the Province of Manitoba was that the House rejected the Bill by about a vote of 30 to 12.

THE CHAIRMAN: For further consideration. Some thought they would save time by having some expert evidence brought into the House. If it had been like a Bill some suggested here there very probably would not have been any objection.

MR. LANG: The main reason for my raising this point is that I wanted the question raised as to whether there is compulsory bargaining legislation in Manitoba.

THE WITNESS: On page 10 of my brief the penalty section is rather cryptic and I am afraid I cannot go beyond that.

THE CHAIRMAN: I am wondering about the use of the word cryptic.

THE WITNESS: I refer you to sections 45, 46 and 47. As I say, when I wrote this statement on page 10, I drew attention to the fact that the penalty section was rather cryptic and would have to be interpreted by a court. I am not prepared to say that a court would rule that there was no penalty for refusal to bargain collectively, and I am not prepared to say that they would impose a penalty. I drew attention to that by using the word "cryptic" there. The rest of the memorandum proceeds on the assumption that there is a penalty.

MR. LANG: On page 24 you make reference to the question of a tribunal in connection with such legislation. Your comment there is to this effect:

"The issues which arise out of collective bargaining are peculiarly unsuited for adjudication by the courts because they involve a knowledge of industrial organization and industrial practices foreign to the judge's and magistrate's experience."

MR. AYLESWORTH: That is his opinion.

MR. LANG: I was going to point out to the professor that our experience with Mr. Justice McTague would belie that opinion.

WITNESS: Any tribute you would pay to Mr. Justice McTague on that score I would heartily agree with and endorse, but I have the authority of Lord Justice Scrutton in the English Court of Appeal who said that it is extremely difficult for a judge to deal with these issues without some sort of bias. I was not proceeding on my own authority but on the authority of a very eminent member of the English Bench.

Q. In reference to such a tribunal what would you say as to this because, relating to the geography of Ontario, if such a tribunal were set up, would it not be a difficult matter, in view of the long distances we have in this province, for such a tribunal to function well over such an area?

I find that the Ontario Municipal Board has much the same problem and that members of the Board go out on circuit throughout Ontario from time to time. It is not my position here to suggest what form that tribunal should take, but, if I may express a personal opinion, I would say it would be suicidal to have the tribunal located in Toronto and do all its business here. It would in some fashion have to go on circuit in order to hear cases in various areas.

MR. LANG: That is the point I wanted to bring out.

Thank you very much.

THE CHAIRMAN: Have any of the members of the Committee, or Mr. Furlong, any questions to be asked of Prof. Finkelman?

MR. FURLONG: No.

THE CHAIRMAN: Prof. Finkelman, the Committee is deeply indebted to you for your industry and knowledge in preparing these briefs for the Committee.

MR. AYLESWORTH: I would like to say I think everyone who is appearing here who has any interest in the matter is also indebted to the professor for his very able summary of a difficult situation in Canada in order to make available for the Committee all this diverse legislation. I think he has done a wonderful job.

THE CHAIRMAN: Yes.

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THE STEEL COMPANY OF CANADA

A. L. LOTT, sworn. Examined by MR. FURLONG:

Q. Mr. Lott, what is the proper name of your company?

A. The Steel Company of Canada, Limited.

Q. What office do you hold with the company?

A. I hold no office. I am attached to the personal department.

THE CHAIRMAN: Of what Company.

A. Of the Steel Company of Canada.

THE CHAIRMAN: I think we have heard of it from both sides.

MR. FURLONG: All right, Mr. Lott, go ahead.

THE WITNESS: I would like to present a brief or a statement from our vice-president in charge of operations. It covers the relations of the company with the employees since the inception of the company.

MR. MACKAY: Q. When was the company formed?

A. In 1910, sir. Also embodied in this statement are the different plans and services which have been made available since the inception of the company. It is along those lines this statement is prepared.

“To the Chairman and Members of the Select Committee of the Legislature on Collective Bargaining:

Your Committee is considering representations from various bodies concerning methods of collective bargaining and is studying the information received. We believe, therefore, you will be interested in a review of the policies and experience of The Steel Company of Canada, Limited.

This company, which is the largest producer of primary steel in the Dominion, accounting to-day for 40 per cent of the total finished rolled production, was formed in 1910 by the amalgamation of a number of finishing plants with The Hamilton Steel and Iron Company, thus combining finishing capacity with primary steel production. Ever since its formation the company has adhered to a policy of improving the efficiency and character of its plants, and it has been enabled thereby to consistently broaden the amount of employment afforded and improve the wages and working conditions of its employees. The year after the formation of the company total wages and salaries disbursed amounted to \$3,314,000 whereas, for the year 1942, the corresponding figure was \$17,742,000.

That this company is not opposed to the principles of collective bargaining is shown by the fact that since the year 1935 collective bargaining has been carried on with employees in all its larger plants by means of an Employee Representation Plan. Under its provisions the employees have chosen annually fellow employees from among their ranks, by secret ballot, to represent them in negotiations with the company. Officials of the company, salaried employees, foremen, policemen, clerks engaged on time, piece-work or payroll records, and those having the authority to employ or discharge, are not eligible to vote. It has been the fixed policy of the management that the employees should be free to select their representatives.”

MR. MACKAY: They are voting by secret ballot, you say. Does that comprise every member of that committee?

A. Yes.



Q. Are there any members of that committee to-day employed by the company?

A. The set-up in our plant is that our Hamilton Works is divided into eleven electoral districts. We call them divisions. A ballot, a voters' list is prepared by the elected representatives. All the voting is in charge of the elected representatives. They go over it and decide whether a man is qualified to vote, whether or not he be a foreman. The returning officers are appointed. The first ballot is a blank ballot. It is like a primary. The voter in the division writes in his name, the man he wants to represent him, and the names of those two who appear on the ballot in that division as receiving the highest number of votes appear on the printed ballot when the election is held. When the council meet they have a like number of employee representatives.

Q. You have eleven elected and eleven appointed?

A. Yes.

MR. OLIVER: Q. What do you do in the case of a ballot?

A. I happen to act as chairman of the works council and I have no vote. It is a stalemate if there is no decision.

Q. There is no appeal at all?

A. Yes; to the works manager, and from him to the president.

MR. MACKAY: Q. The final appeal is to Mr. McMaster, the president?

A. Yes, that is right.

Does that answer your question?

Q. Yes, it does.

A. I might say the elected representatives meet themselves a week prior to the regular meeting and prepare an agenda to be put down at the regular meeting which is held a month after.

"These elected representatives meet monthly with representatives selected by the management and discuss together matters relating to wages, working conditions, safety, etc., without restriction. The proceedings of all meetings are fully covered by minutes which are posted in all departments."

I have a copy of the last two regular meetings if you would care to have us file them.

"and the company has lived up to the letter of any agreement reached in these meetings with its employees through their elected representatives."

We have heard a lot of evidence as to the employees' elected representatives.

THE WITNESS: I do not know what has been stated about any restriction on any person running and being elected or any means whereby they were prevented from being elected, in so far as the management is concerned.

MR. FURLONG: The only thing there which seems to be objectionable from a union standpoint is the fact that your arbitration is all by one man, the president of your company. What is your objection to having an independent board composed of one or two men to be the final court for the employees, or to decide any dispute instead of the president of your company? If you are in favour of a board of arbitration surely the president could not possibly be the sole court of appeal.

A. There is something to what you say, but in the final analysis the president and the managing director has charge of the operation of the company and whether or not that company is successfully operated depends upon his judgment and his decision.

MR. HAGEY: Q. Do you not think it depends also on the ability of the men who are working in the plant?

A. I do not detract from the contribution from the men in the plant, but surely you will admit that there are a lot of cases in which poor management has worked to the detriment of the employee.

THE CHAIRMAN: Surely.

MR. FURLONG: Q. But, do you not think you could choose someone in that regard who would be satisfied that your president could settle the difficulties of the company and who would tell the president of them in order to be able to get justice in any case? You now submit all your rights to the court if you have trouble?

A. Yes.

Q. Surely you could find an independent man. I notice in most agreements of this kind there is a clause which says that the company chooses one member, the men choose another member and those two choose the county court judge if they cannot agree. There you would have a body properly composed which I think would give you a proper decision in any troubles between your men.

A. I am quite prepared to carry that back for consideration, sir.

THE CHAIRMAN: We had a Mr. Cook here yesterday representing twenty of the manufacturers engaged in the clothing industry. He dealt with that very same fact. He said that they were a very depressed industry twenty-five or thirty years ago. Finally, the unions embraced the whole industry in Ontario and they sat around and talked things over amicably and settled all their differences, practically. In a case in which they did not the employees had one man and the company had another, and they generally agreed on the third man, and if they could not I think it was the county judge who settled it. You can understand that the men would actually feel the cards were stacked against them when the court of appeal in effect is the president of the company.

WITNESS: As I point out later in this statement, in the operation of this council there have been only two appeals to the president.

MR. NEWLANDS: We heard it proposed yesterday that a union would set up a board on which two of the men would be union men and the other would be a manufacturer. They were laughed at.

THE WITNESS: If I may continue:

"The meetings have provided a medium for a free exchange of information covering employee and management problems and the discussions have covered a very wide range of subjects. The company has made a sincere effort to make the plan successful with respect to results gained by employees, as well as to create a better understanding of business and economic problems which the management of the company must face and which must, of necessity, limit at times the company's ability to accede to requests which would affect its position in competitive industry.

The mutuality of interest between employees and employer has been a key-note of the company's labour relations policy and it is self-evident that the more successful a company is, the better position it will be in to improve the lot of those working for it. Possibly the best index of the success of our Employee Representation Plan is the fact that, since its inception, it has only been found necessary to carry two cases at Hamilton Works to the President of the Company for final disposition, one concerning the discharge of an employee who walked off the job, and the other a recent demand by a C.I.O. local for an election to determine whether it should have exclusive collective bargaining rights on behalf of all Hamilton Works employees, whether members of the Local or not."

Those were the two cases which were appealed to the president. In the first case one of our men came in and he was working on the tonnage rate. The mill was not ready, and he took five or six men of the crew away with him, and walked off the job. He had been only gone five or six minutes when the other five or six came back, but he did not come back until the next day. He was discharged for that. I think that was in 1938 or 1939.

MR. MACKAY: Is this committee set-up now functioning satisfactorily?

A. You mean at this minute?

Q. At the time of the presentation of your brief.

A. It has been functioning right along up to the present.

THE CHAIRMAN: It is not functioning now?

A. Nine of the elected representatives turned in their resignations.

MR. MACKAY: Which nine?

A. The C.I.O.



Q. Nine out of the eleven?

A. Yes.

Q. You mean they elected nine out of the eleven?

A. They claim that they elected eight out of the eleven.

Q. I thought you said nine C.I.O. signed.

A. Nine C.I.O. signed. I have a copy of it here.

THE CHAIRMAN: We have the evidence here.

MR. MACKAY: Q. Over what would they resign?

A. Well, one reason, I think, was that they did not get a vote.

Q. Or was it in protest?

A. I think I had better read it to you just to get it into the record, now you have brought it up. This is the dodger which was hoisted at three o'clock on Tuesday afternoon. I received an official copy from the chairman at three-thirty that afternoon.

"To the Employees and Management  
of the Hamilton, Ontario, Stelco Works:

We, the undersigned, Elected Representatives of the Hamilton Stelco Works Council, who are members of Local Union 1005 of the United Steelworkers of America, hereby tender our resignation as Representatives of the Stelco Works Council, the resignation to be effective immediately as of March 15th, 1943.

We feel this action necessary for the following reasons:

1. After our experience as Representatives, we know that the Works Council does not properly represent the men of Stelco, but is a Company dominated and controlled body.
2. It is impossible for us, under this Council, to obtain any benefits of major importance for the employees of Stelco.
3. We realize that no good purpose can be served by our continuing as Representatives on the Works Council, that our time would be wasted and could be better used in completing the organization of Local Union 1005.
4. The United Steelworkers of America representing the workers of Algoma Steel and of Dominion Steel at Sydney and Trenton, have succeeded in having their cases placed before the new National War Labour Board, asking for a 55 cent minimum base rate with a full cost of living bonus in addition, recognition of basic steel as a National Industry, Adjustments in rates for those above the 45 cent base, re-classification and

adjustment of all maintenance rates, time and one-half for the seventh consecutive day worked and other benefits to be obtained under the new Order-in-Council passed at the demand of the United Steelworkers of America.

5. We believe the workers of Stelco are entitled to the same benefits and we intend to do everything within our power to obtain these benefits by presenting our case to the National War Board, through our only real Labour Organization, the United Steelworkers of America."

EXHIBIT No. 192: Handbill, entitled "To the Employees and Management of the Hamilton, Ontario, Stelco Works," dated Hamilton, Ont., March 15, 1943.

It is signed by the nine.

In connection with this a public meeting was advertised to be held in the Playhouse Theatre on Sherman Avenue in Hamilton on Sunday.

Q. Sunday past?

A. Yes, to be addressed by Mr. Elmer Malloy, who was one of the men who came over from the United Steelworkers in connection with the Stelco and the Algoma dispute. At that meeting some seventy-five were in attendance and I understand there were about fifteen or twenty of our boys present. Whether Mr. Malloy's visit had anything to do with the resignation of these boys or whether it had not, I am not prepared to say, but it is only reasonable to assume that there was some connection.

Q. I would say from the presentations given here at the hearing of this Board that that No. 1 cause would be sufficient for them to send in their resignations, because they feel the Board as constructed is not to the best interests of their work. They definitely have an idea that the definitions given to company unions here would certainly fit into that, and that any dispute between the workers and the management would be finally decided upon by the president. They would call that a company union of a definite stripe.

THE WITNESS: You would not think that was so if you only had two cases over a period of eight years. You would not think there was anything wrong there.

Q. It is so set up that you do not know what may happen in the near future. There are many points they wish to have settled or brought out and apparently they cannot get over that. They see that there will be no future in regard to those points they desire to get across.

A. You do not really believe that yourself?

Q. I would say that the set-up is that he is not a disinterested, final judge to pass on anything.

A. These gentlemen present themselves for election in November.

Q. Last November?

A. Yes. They are elected and they try to get the other three members who were elected with them into their fold. You do not think they were really working to see the Works Council work? You would not think their whole ambition when they went on the Works Council was to really see it work properly.

Q. The nine?

A. The eight. Do you think their whole ambition when they went on there was that they were going to devote their efforts to making that Council work.

Q. Along their lines?

A. Along their lines. They are elected to represent all the men in that plant, not to just represent their own particular members. When they went in there they were elected to represent all the workmen in their divisions, irrespective—

Q. Do you know how many of your employees those nine represent?

A. I would say around over 2,000.

Q. Out of what—4,500?

A. Out of about 4,500, yes.

Q. Those nine out of twenty-two representatives represent about 50 per cent, and I think they have a right to anticipate that the thoughts and the desires of 50 per cent of those workers are similar to their thoughts and desire, and I think they went on it to try to get—

A. They had been on there for years gone by. Some had been members for years on the works council.

THE CHAIRMAN: Q. How long has the works council been in operation?

A. Since July, 1935.

Q. You asked my friend, Mr. MacKay, could he not infer something from the fact that there had been only two appeals in seven or eight years?

A. Yes.

Q. How could there be an appeal when you had eleven representatives of management and eleven representatives of employees? If the eleven representatives of the company did not want an appeal how could they get one?

A. That is covered, sir.

Q. How?



A. It is covered. If it is a case of a stalemate then the next procedure is to appeal on it to the president.

MR. HAGEY: Q. You would not want to appeal to the crown attorney if you were the accused man?

A. If they are not satisfied with the decision of the works council the procedure is to go on up the different channels.

MR. FURLONG: Q. Did they ever appeal to you about the appeal not being adequate?

A. How do you mean?

Q. Did the employees or the works council ever ask you for some different appeal tribunal than the president?

A. I do not know as it has ever been discussed in council.

Q. But did the company, or you in your department, ever have any request for any change?

A. No, sir. There has been, since this thing got hot, some talk around there about it. This is the statement which was made, and which was one of the bad features of the plant. It has been discussed in the last month or six weeks by many.

MR. MACKAY: Q. Has there been a request from either council or union for a vote to be taken for the purpose of declaring—

A. That is one of those appeals which went to the president.

Q. That went to the president?

A. Yes. That is one of the two appeals.

THE CHAIRMAN: Q. What happened?

A. He refused it.

Q. That is the evidence we had before.

A. Pardon?

Q. We had that evidence before. On what grounds did he refuse it?

A. I can put his letter in as an exhibit if you wish. It is lengthy.

Q. Can you just give it to us in a few words?

A. You have the letter. I believe the letter has been presented to you.

Q. I think we did.

A. I am quite sure of that.

MR. OLIVER: Q. In the presentation for a vote, how many employees were in favour of having a vote?

A. I do not know, sir. There was a meeting held, according to the newspapers, at which some three hundred were present. That is, when the Stelco and the Algoma matter was in dispute. It was said they were on strike. The headlines came out in the paper that 95 per cent of the members of Stelco voted for a strike. That would indicate that 95 per cent of 5,000 men were prepared to go on strike, whereas there were less than 300 at the meeting.

MR. HAGEY: Q. You would not blame that on the men?

A. I am not blaming it on anybody, but the inference was, as it went across the country, that 95 per cent of the men wanted to go on strike. The vote was taken when there were less than 300 present.

MR. FURLONG: Q. Has there been any strike in your plant?

A. No, sir.

MR. MACKAY: Q. What would your objection be to the getting of these things over with and the permitting of them to take the vote?

A. You know how these votes are broken. You have been in politics long enough to know how they go out and make promises they never expect to fulfil. You would not expect that if you had five thousand employees, that seven hundred or eight hundred could go to work and demand a vote and put you in the throes of all this publicity from the gates, and so on, to which you would be subjected—

MR. HAGEY: Q. Have you not been through worse than that the last few weeks, the last three or four weeks?

A. What do you mean?

Q. I refer to the agitation which has been running through the men.

A. You got that from the newspaper.

THE CHAIRMAN: There is evidence before the Committee.

THE WITNESS: There has not been any of this agitation which has appeared in the press. We are going along and we are producing steel every day. There has been no interruption in the production of steel. Furthermore, there is not going to be.

Q. That is not the evidence before the Committee.

A. I cannot help that, sir. We produce about 40 per cent of the steel produced in Canada. We are certainly going to make every effort to do it, sir. May I proceed?

Q. Certainly.

A. Thank you.

"Such collective bargaining plans as ours have been violently criticized in certain quarters, but, in the last analysis, these employer-employee plans should be judged by the results secured, and we submit the following list of advantages enjoyed by our employees:

(1) Pension Plan

This was inaugurated January 1, 1920, and, since its inception, has paid out pensions aggregating \$831,252 to a total of 324 former employees. The cost is borne entirely by the company and the capital sums turned over irrevocably from time to time and placed in the hands of trustees for the support of the pension fund have amounted to a total of \$3,243,648.

(2) Sickness and Benefit Plan

This was inaugurated December 1, 1928, when \$500 group life insurance and \$10 per week sickness benefit, together with medical attention, were provided."

Q. That was before this Committee was in effect?

A. Yes.

"Subsequently, following discussions in the Works Council inaugurated by elected representatives, its provisions were broadened to provide for a contribution of \$1.45 a month,"

That is group insurance.

MR. MACKAY: Q. When did that come into effect?

A. Two or three years ago. The increase came in then, but the plan was originally started in 1928. It provided for \$500 life insurance. In 1939 it was increased to \$1,000 life insurance and \$15 per week sick benefits, along with medical services.

"\$17.40 per year, \$1,000 group life insurance, medical and surgical attention, as well as hospital expenses when necessary, in cases of illness or injury off the plant, and disability benefits of \$15.00 per week up to a period of 13 weeks for any one illness. In order to gauge the value of these benefits, \$1,000 life insurance alone at age 42, the average age of our Hamilton Works' employees, would cost \$26.30 per year. During the year 1942, there were 609 sickness cases at Hamilton Works at an average cost to the Plan of \$76.26 each. The company pays approximately half the cost of



this Plan by making up the difference between the cost and contributions received from employees.

(3) Vacations with Pay

During 1942 vacations with pay were granted to 3,779 payroll employees with five years' service or longer, at a cost to the company of \$162,155.

(4) Military Service Plan \*

Employees in the service of the company six months prior to the outbreak of war, who had enlisted for overseas service, qualify for the privileges of this plan made effective October 1, 1939."

I would like you to get that. The war broke out on the first of September, 1939.

THE CHAIRMAN: The third.

THE WITNESS: This plan came into being on October 1st, 1939, a month after the outbreak of the war.

"At that early date in the war, substantially before the government made such a provision by order-in-council, the company undertook to restore any employees returning from service in the armed forces to their former jobs or to the nearest thing to it available at the time, and to allow full credit for time spent in the armed forces in the employee's service record. Under the Plan their rights and standing in the Pension and Benefit Plans are retained while they are in the service and their group insurance is maintained at the expense of the company. At the time of enlistment they receive two weeks' pay in addition to any wages due and, upon return to civil life, each will receive in cash the equivalent of fifteen per cent of the amount of his annual earnings at the time of enlistment for the full period of his military service up to a maximum rate of \$250 per year. Those employees who enlisted in 1939 have now several hundred dollars each to their credit in this fund, while those who enlisted later have proportionately less. In the event of death the amount accumulated to any employee's credit is payable to his beneficiary. Up to the close of 1942 the accumulated cost of this plan to the company had been \$228,618.00 and the annual cost is now at the rate of approximately \$120,000.00 per year."

Is there any question any member of the Committee would like to ask in connection with that?

THE CHAIRMAN: No. It is very praiseworthy.

THE WITNESS:

"(5) Christmas Bonus

As permitted by the regulations of the War-time Wages Order-in-Council, a special Christmas bonus of \$25.00 was granted to all wage earners with six months' service or longer, with proportionate amount to new employees. This was paid December 24, 1942, and involved an amount of \$171,800.00.

## (6) Wages

It has been the fixed policy of the company to pay the highest rates of wages in the steel industry in Canada."

Q. You are living in a big city?

A. I do not think the cost of living index would show the cost of living as being any greater in Hamilton than in Sydney or Algoma. I have seen a comparison made, sir, and there is not one-half of one point difference.

"During the year 1942, annual earnings of all payroll employees at Hamilton Works averaged \$1,928.16 including cost-of-living bonus payments. The average hourly earnings were 78½ cents."

MR. MACKAY: Q. Who would you take in on that?

A. Later on we have it split up.

Q. It seems a lot, and I thought you might take in the higher rates.

A. We take all of them in and divide them by the number working in the plant.

Q. Do you mean the superintendent?

A. No. These are payroll employees. I refer you to the words: During the year 1942, annual earnings of all payroll employees."

THE CHAIRMAN: Q. Is not everyone on the payroll or are there some who work for a dollar a year?

A. If you will let me, I will now deal with the analysis:

"An analysis of a recent payroll period showed the following distribution of wage earners by varying hourly rates:

	No. of Employees	% of Employees
55c an hour and under.....	410	9.3"

Q. Are they beginners?

A. We have some girls who start in at around 35c or 36c an hour. We have a labour gang, and they work ten hours a day. Their rate is 41½c. an hour. As a man grows old and he is not capable of carrying on the heavier jobs he may go back to the labour gang. We are not too hard on the fellows who are in the labour gang.

"55½c an hour to 65c.....	1,115	25.3
65½c. an hour to 75c.....	869	19.8
75½c an hour to 85c.....	865	19.8
85½c an hour to \$1.00.....	522	11.9
\$1.00½ an hour and over.....	609	13.0
Total.....	4,390	100.0

(7) Working Conditions

While production of coke, pig iron and steel has continued uninterruptedly 24 hours a day 7 days a week since the outbreak of war, shifts are so arranged that normally practically all employees do not work more than 6 days a week. For the year 1942 at Hamilton Works the average hours worked per week for all employees was 48.29. Modern washroom and sanitary facilities are provided and photographs of typical installations are submitted herewith."

I have some photographs, which I will now produce, showing you some of our modern change houses. As we go along modernizing and building new buildings we try to keep a record of before and after. I thought the Committee would like to look over these photographs and see what we have in the way of change rooms and change room facilities:

"Cranes, charging machines, electric controls, manipulators and labour-saving devices move materials and products as required without exertion. For jobs on mills and furnaces where heat and exertion are involved, unless such conditions are of limited duration with periods of relative inactivity between, spell hands are used and working schedules provide, for example, one hour on and a half hour off, or, in some cases, a half hour on and a half hour off.

(8) Accident Prevention

The steel industry has been regarded by many as an abnormally hazardous occupation. The management of the company has spared no expense to make all its equipment as safe as possible and has given its whole-hearted support in every way to the prevention of accidents in its operations with a good measure of success as the following information will show.

There are ten companies included in the steel-producing and rolling mill group established by the Workmen's Compensation Board of Ontario."

That is, group No. 7, Workmen's Compensation.

"In this group our Hamilton Works had the second lowest accident frequency for the year 1941 and the lowest frequency for the year 1942."

For your information, frequency is figured on the number of lost time hours due to accident, figured on the number of hours per million of work.

"The following data comparing time lost by Hamilton Works' employees as a result of industrial accidents and from accidents occurring while away from work will also be of a good deal of interest:

	Due to Industrial Accidents	Due to Non- Industrial Accidents
1941—Days lost . . . . .	3,123	1,446
1942—Days lost . . . . .	4,833	1,909



In the city of Hamilton the records of the Wentworth Division of the Industrial Accident Prevention Association will disclose some fifty large employers whose accident frequency rates are substantially above that at Hamilton Works. These results reflect the earnest co-operation between safety committees of the employees in all departments and the management of the company in this most important aspect of working conditions.

(9) Victory Suggestion Committees

Such committees are functioning in all departments at Hamilton Works and during recent months over \$2,100.00 has been awarded to those submitting suggestions which have been put into effect."

THE CHAIRMAN: Q. But, how is that relevant to collective bargaining?

A. What we are trying to point out—

Q. But you mean, if you had collective bargaining the accidents will increase, and if you do not have it they will not?

A. No, we have an interest, a human interest, in our employees.

Q. But your point is that your interest in employees would disappear if they had—

A. No. We would just like to tell you what our employees are doing and the benefits we try to provide for our employees.

Q. I do not see how it is pertinent to collective bargaining.

MR. FURLONG: Q. If your employees joined the Steel Workers' Union, and they took a vote and you found that 51 per cent belonged to the union, would you enter into a collective bargaining agreement with them?

A. Well, I am not part of the management. I am not prepared to answer that.

Q. All these things you have done for your employees are very commendable. Following that thought through, do you not think it would be still more commendable if you acknowledged their rights to organize into a union of their choice and to then make an agreement with them? What difference does it make between the company and the Works Council you now have or between the company and a committee which the union or the employees choose?

THE CHAIRMAN: Q. Was it not your evidence that the president would not give them a vote?

A. Yes. He could not see the vote. In fact, I might tell you that there is an application before the Department of Labour for a Board under the Industrial Investigation Disputes Act at the present time.

Q. Frankly, I cannot see the short-sighted policy of your president in not

agreeing to a vote. If the vote was taken secretly and fairly and there was a fair ballot and the employees voted for the works council, that would end the matter. If the C.I.O. got the majority vote, then if you are going to have peace and harmony, I would say, from the experience of other manufacturers, it would be better for the employees and for the company if they were allowed to sit down and bargain collectively. I cannot see what the president would gain by simply taking the arbitrary attitude "I will not take a vote" to see who has the majority there. What can he gain?

A. I do not know what your vocation is, but I presume you are connected with an industry.

Q. I am a lawyer.

A. There are votes and are votes again.

Q. You heard me say a fair vote?

A. Yes; but when votes are about to be taken, a skeleton contract is drawn up to show for what we are going to ask and what we are to get. If you are only paying a man 60c. an hour and you tell him he is going to get \$1.20, it will certainly fire him.

MR. MCLEOD: Q. You have already admitted at least 2,000 workers in your plant—

Q. You admitted a moment ago that approximately 2,000 workers in the Steel Company of Canada—

A. No. I do not want to get it into the evidence that the 2,000 are workers. I said they represent the men in the divisions, but that does not say that those 2,000 men are steelworkers.

Q. At least, there are more than two or three?

A. Yes. There are about nine anyway.

Q. And the easiest way to settle that is by a vote?

A. May I go on, sir?

THE CHAIRMAN: Yes.

THE WITNESS: We had a payroll savings plan long before they started it with the government.

"(1) Savings and Victory Bond Purchase Plans:

Before the outbreak of war the company inaugurated savings plans from time to time to encourage thrift among its employees, under which special rates of interest were paid on employees' savings. Such a plan was cancelled with the first War Loan campaign when the company put into

effect a plan for War Bond purchases by employees through payroll deductions, under which no interest is charged employees on unpaid balances, and when bonds are paid for in full they are delivered with all interest coupons attached. A number of features of this plan have been adopted by the War Finance Committee and incorporated in what is now known as its 'Payroll Savings Plan' which is in general use in connection with sales of bonds to industrial employees."

We are rather proud of this.

"That Hamilton Works' employees have done their part in supporting the financing of the war is amply borne out by the following record of their bond subscriptions in the various War Loan campaigns so far:

1st War Loan.....	\$183,900
2nd War Loan.....	243,800
1st Victory Loan.....	340,450
2nd Victory Loan.....	427,700
3rd Victory Loan.....	359,450
Total.....	<hr/> \$1,555,300"

THE CHAIRMAN: We had some evidence the other day that after the unions got in they moved around and I think the subscription amounted to around \$300,000 and after that \$800,000. We asked them if they had put any heat on the members, or something, I think. Probably if you had the union there yours might soar up into astronomical figures.

THE WITNESS: To continue:

"In addition, since the outbreak of war, \$177,763.82 in War Savings Certificates have been purchased."

We have a credit union at the Hamilton Works entirely approved by the employees. The only thing management did was to co-operate with the boys in getting it started.

Then, we come down to the service record. We have a lot of old men in our plant, men who have been with us for years. I would like to put on record here the number of men in the service.

"The foregoing list bears ample evidence of the company's sincerity in its approach to the problem of good labour relations. That this honesty of purpose is recognized by its employees is borne out by the following figures on length of service:

"25 years or more service.....	1,011 employees
20 to 25 years' service.....	688 "
15 to 20 years' service.....	961 "
10 to 15 years' service.....	657 "

A check recently indicated that approximately twenty per cent of Hamilton



Works' employees are related to other employees. There are many cases of fathers and one or more sons in our employ which speaks for itself as, obviously, no father would encourage his son to enter the employ of a company which had not treated him fairly and well.

It has been our endeavour to extend additional advantages to our workers as the company's position improved and the added costs could be assumed and maintained irrespective of the business conditions which might prevail. It is not generally recognized, for example, that the cost of vacations with pay persists each year on a basis comparable with the force employed, and does not decline with any downward changes that may occur in the volume of business available. We consider it essential that, once assumed, these costs supplementary to the wages paid should be consistently maintained regardless of the profits which may be realized, and, therefore, their assumption should be based upon an intention to continue them through thick and thin. Naturally, any single company (and it applies particularly to the steel industry which is subject to wide variations in rate of annual turnover) is not able to duplicate each and every plan adopted for the improvement of social security, but it has been our aim to provide those which are likely to prove of the greatest practical benefit to our employees.

The management of a company such as The Steel Company of Canada, Limited, has a three-fold responsibility—

- (a) To protect the shareholders, who are its owners;
- (b) To improve the position of its employees; and
- (c) To satisfy the consumers of its products.

As shown by the figures reviewed, the interests of its employees have been kept constantly in mind since the formation of the company in an honest attempt to share our success with those working with us.

As further evidence, the standard working week when the company was formed associated with continuous operations, such as coke ovens, blast furnaces and open hearths, was 84 hours versus the average last year of 48.29 hours for all employees of Hamilton Works. During the same period of time, the basic wage rate has more than trebled.

With regard to the commercial aspects of the steel industry, our products are not, for the most part, sold to ultimate consumers, but largely to other manufacturers by whom they are further manufactured or converted into finished form. The steel industry is, therefore, basic in character and the sales policy of the company has endeavoured in its consumer relationship to give the fullest measure of support to re-manufacturing trades by the presentation of sales values calculated to encourage the use of its products. It is axiomatic that the development of the steel consuming industries can be expected only if based upon a commensurate development of basic steel-production. Over a period of years, this company has broadened the range of its products in form and grades in step with the growth of re-manufacture and, in this process, has been able to sell at prices which have paralleled

external prices to a greater degree as the time has passed, thereby securing a larger volume of tonnage and providing a growing volume of employment at better rates of pay.

Dealing with the shareholders' interests, it should be pointed out that several thousand dollars have been invested in our plant, equipment and so forth for each employee and added capital has been re-invested by the shareholders to provide further improved facilities affording employment to a greater number of employees. The steady ploughing back into the enterprise of a portion of the shareholders' earnings each year has been of great value to all parties interested as it has made it possible to produce at prices which consumers are willing and able to pay and, at the same time, enabled the management to provide constantly improved conditions for its employee and pay a reasonable return to the shareholders in the form of dividends.

Our ideas of a successful enterprise are based upon the fact that the interests of the three groups just mentioned are mutual to a degree not acknowledged by some, and that the common endeavour should be surrounded with an atmosphere of the fullest co-operation. Each has its privileges but each must recognize its responsibilities one to the others if success is to be assured. To ignore these responsibilities and the economic conditions with which all are surrounded cannot lead to the full achievement of the ultimate purposes of the combination. For many years we have devoted much study to the human relationships of our business and we believe the review of our accomplishments and the harmony we have enjoyed in our relationships with our employees testify to the sincerity of our efforts. The stability of the employment we have been able to provide under changing economic conditions has surpassed that of any comparable unit in the steel industry on this continent to our definite knowledge. Surrounding these employer-employee connections, we consider the closer the respective parties can come together the better. In all discussions with our employees, we endeavour to give them the fullest possible explanation of the facts and circumstances upon which any decision of the company is based so as to develop their full confidence in our sincerity of purpose. Just as we are anxious to use the best and most efficient equipment and processes for our manufacturing operations, so we are anxious to use the best methods of dealing with our employee-relationships, and we can conscientiously affirm that we have not seen in other alternative methods of employee-employer discussions any results which would lead us to change the plan on which we are now depending. Strife and discord will never advance the true cause of labour and we believe firmly in those processes which, on the contrary, will bind the respective parties more closely together.

Summing up, it is our considered opinion

(1) That, based upon the results we have achieved, it would be a retrograde step to abolish by law any form of employee representation now in existence which provides a harmonious means of collective bargaining between employees and their employers.

(2) Employees have the recognized right under federal Order-in-Council to join the union of their choice without restraint or coercion on the part of

employers. Employees' freedom in this respect should not be abrogated by outlawing any particular form of union, provided it is a law-abiding body. Conversely, there should be no statutory requirement, either express or implied, that an employee must join or maintain membership in a union of any form, if he does not wish to do so, solely as an obligatory pre-requisite to obtaining employment or retaining it. There should also be no restriction of the right of individuals, or groups of individuals, to negotiate directly with their employers if they so desire.

(3) The success of any plan of bargaining between the two parties cannot be assured by any form of legislation, as satisfactory results can be achieved only by the creation of mutual respect, confidence, sincerity of purpose and a willingness and a readiness to abide by agreements reached."

MR. FURLONG: Mr. Chairman, that concludes the hearing so far as I am concerned.

MR. BREWIN: Mr. Chairman, might I say one word before you adjourn?

MR. MACKAY: Could you say one word, Mr. Brewin?

MR. BREWIN: Pretty nearly one word. I don't think you will mind my saying it. I was one of the first who came before the Board representing this Union. I was here a great deal of the time, and I happen to be here at the end. I would like to express on behalf of counsel and all those who are here our appreciation of the courtesy which the Committee has shown towards witnesses and counsel, and the great patience with which it has listened to everybody under sometimes rather trying circumstances.

I do not want to commit myself in advance to any approval of what this Committee is going to do, but I would like to say, without reservation, that we all feel, and particularly in respect of the Chairman, it would be wrong that these sittings should conclude without an expression of the way we feel, and our very great appreciation for the way the proceedings have been conducted.

MR. AYLESWORTH: I would like to identify myself with that.

MR. D. W. LANG: And I the same, Mr. Chairman.

THE CHAIRMAN: Now if the Bill satisfies everybody we will all be gentlemen.

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Communication received by Mr. Furlong after the sittings of the Committee had concluded:



EXHIBIT No. 193: Letter dated March 16, 1943, from A. O. Thormahlen, Vice-President and Managing-Director, Sawyer-Massey, Limited, Hamilton, to Premier G. D. Conant:

"March 16, 1943.

Premier G. D. Conant,  
Queen's Park,  
Toronto, Ontario.

Re Special Parliamentary Committee on Collective Bargaining

Sir:

We are enclosing copy of a letter to the Chairman of the above Special Committee, which we trust is self-explanatory.

A similar copy is being forwarded to all members of the Provincial Legislature.

Respectfully submitted,

(Sgd.) A. O. Thormahlen,  
Vice-President and  
Managing-Director."

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"Copy

March 15, 1943.

The Chairman,  
Special Parliamentary Committee re Collective Bargaining,  
Queen's Park,  
Toronto, Ontario.

Dear Sir:

In the 'Toronto Star' of 5th March there appeared a report of evidence given before your Committee on 4th March by Mr. C. S. Jackson, of the United Electrical Radio Machine Workers of America. According to the above newspaper report, Mr. Jackson made the following charges against this company, which we presume were required by your Committee to be given under oath.

1. Mr. Jackson is reported, in the above-mentioned Press report, to have charged that when the Union (C.I.O.) proposed collective bargaining negotiations after a vote at our plant (Dec. 4th) it was found difficult to arrange a meeting. We deny this charge. Discussions with the Union representatives took place on 8th December, 7th January, 14th January and 2nd February. A meeting scheduled for 27th January was postponed to 2nd February, when the field representative of the Union advised at the last minute that he had another engagement.

2. Mr. Jackson is reported in the above-mentioned Press report to have charged that five or six people, alleged to be good friends of the Superintendent, approached employees to join the Sawyer-Massey Employees' Asso-

ciation. According to the Press report in question, Mr. Jackson then proceeded, by inference, to charge that this Association was a company union 'engineered by management, superintendent or foreman, or by a small group of management directed employees.' This is a deliberate attempt to discredit an association which was formed by a group of free-thinking employees who objected to being represented and/or controlled by the C.I.O. On 23rd December they filed with the management the following petition:

'We, the undersigned, employees of Sawyer-Massey, Limited, believe that, as Canadians, we are fully competent to negotiate our own welfare and working conditions, and that there is no obligation or necessity of paying any financial tribute to foreign labour organizations in order to enjoy that privilege.

Therefore we formally protest allowing the C.I.O. or its subsidiaries to represent us in any negotiations, and declare our intention of having our own elected committee represent us in any welfare discussions.'

The management had no prior knowledge whatever of this movement, and neither before nor since has the management had anything whatsoever to do with this independent association other than to accord them interviews similar to those accorded the C.I.O. Union representatives, for the purpose of discussing matters pertaining to the welfare of employees. The management has asked for, and been given, a copy of the Employees' Association constitution, which we find excludes foremen and superintendents from membership. We have no doubt that many employees (both C.I.O. employees and non-C.I.O. employees) are good friends of the superintendent. This is a situation we are happy to see and anxious to promote in the interest of employer-employee relations. We deny, however, that Mr. Jackson's allegations have any foundation.

\*3. Mr. Jackson is reported to have charged that at our plant 'a signed statement may be had that an employee was approached by two members of employees' association who were company inspectors, and told that if he would join he would get a raise.'

It will be noted that Mr. Jackson carefully refrained from stating that a *sworn* statement might be had. Inspectors have no authority whatever to grant raises and a thorough check-up has failed to bring to light any evidence whatsoever that would indicate even a remote element of truth in the above charge.

4. Mr. Jackson is reported to have charged that in our plant men are joining the association 'to get army deferments—the boss gets it for them.' If Mr. Jackson is correctly reported in this instance he is guilty of placing before you a deliberate falsehood. I personally have first hand knowledge of any applications for deferments and there is not the slightest foundation for anyone ever having made such a false statement.

5. Mr. Jackson is further reported to have charged before your Committee that 'company union meetings are usually held on company time, workers being called from their machines. In some cases workers who left

their work to attend company union meetings outside the plant were reportedly paid for their time. In other cases, foremen and workers are reported to have neglected their work to spend time exhorting employees to join the company union.'

In the first place we can only assume that Mr. Jackson is mistakenly referring to the Sawyer-Massey Employees Association when speaking of company union meetings. We defy Mr. Jackson to substantiate his allegations that employees attending any Sawyer-Massey Employees' Association meetings did so on company time. On the other hand the company has been broadminded enough to pay C.I.O. union employees for time spent in negotiations and also for a special meeting held outside the plant during working hours.

As far as the reference to foremen and workers soliciting memberships to the association on company time is concerned, no foreman has ever solicited memberships to the Sawyer-Massey Employees' Association on company time or any other time, with the management's knowledge or consent, and while individual employees may have done so, we can truthfully state that Mr. Jackson's allegation in this regard is certainly a case of 'the pot calling the kettle black.'

6. Mr. Jackson is also reported to have stated before your Committee, in referring to this company that 'the services of a company lawyer were supplied to the company union.' In the first place the Sawyer-Massey Employees' Association is not a company union—it is an entirely independent association of non-C.I.O. employees. In the second place this company has not supplied the Sawyer-Massey Employees' Association with the services of a lawyer or any other services. Mr. Jackson's allegation has absolutely no foundation.

I respectfully request that this letter be read into the records of your Special Committee and that it be given the same publicity as that accorded Mr. Jackson's statements. If necessary, I am prepared to appear before your Special Committee and reiterate the contents of this letter under oath.

A copy is being forwarded to each member of the Provincial Legislature.

Yours very truly,

Sawyer-Massey, Limited,

(Sgd.) A. O. Thormahlen,  
Vice-President and  
Managing Director."



EXHIBIT No. 194: Letter dated March 16, 1943, from the Rev. T. H. Bradley to the Hon. Gordon Conant:

"Bishops Mills, Box 4.

Mar. 16, 1943.

Hon. Gordon Conant.

Dear Sir:

For some time it has been on my mind to write some things concerning my experience with organized labour, and since collective bargaining is now under consideration, I thought I would address my letter to you.

During the last war I was in Calgary, Alberta, supplying a mission which was not self-sustaining. I got work on the new bridge which was being built from Crescent Heights across the river. I was set to work shovelling gravel in a large pit. I was soft and not accustomed to such work, so you may be sure I was not hurting myself. However, the union men around me began telling me to slow up, and when I paid no attention to them, about ten o'clock the boss came and removed me and put me on another job, where a machine determined my speed. You may not credit it, but actually every man in that pit was pausing to glance over his shoulder three times every shovel of gravel he put on the cart. This is one of the principles of organized labour. Another is to pick a serious crisis as the time to strike.

Many industries have a plan of sharing profits with the employees on the basis of their salaries. This plan gives the employees an active interest in the business and has proven very successful, removing friction and saving the cost of strikes, also doing away with the slow-down motive. If some such plan as this could be worked out it would bring about mutual co-operation between labour and capital and prove a great blessing to the world.

Yours sincerely,

(Sgd.) (Rev.) T. H. Bradley."

EXHIBIT No. 195: Letter dated March 16, 1943, from Grace M. Lediard, City Clerk, Owen Sound, Ontario, to the Hon. G. D. Conant:

"Dear Sir:

The enclosed resolution from the City of Toronto with regard to Collective Bargaining Bill was endorsed by the City Council at its meeting last night.

Yours truly,

(Sgd.) Grace M. Lediard,  
City Clerk."

"Moved by ———.

Seconded by ———.

That we endorse the Resolution of the City of Toronto with regard to Collective Bargaining Bill, as follows:

Whereas the interests of our effort demand maximum and uninterrupted war production, co-operation between labour and management and the elimination of all factors which impede production and cause national disunity; and

Whereas the adopted and proper application of collective bargaining legislation would remove one of the chief causes of industrial disputes in wartime; and

Whereas all labour organizations in Canada have appealed for collective bargaining legislation as already exists in Great Britain, the United States of America and other democratic countries and which is in accord with the principles of the Atlantic Charter to which we are committed.

Be it therefore resolved, that this Council petition the Government of the Province of Ontario and requests that it do, at the present Session of the House, enact a modern Collective Bargaining Bill, and that a copy of this Resolution be forwarded to the Provincial Government and to Roland Patterson, M.L.A.

Carried unanimously."

EXHIBIT No. 196: Letter dated March 16, 194 from H. C. Pilley, City Clerk, City of North Bay, to the Hon. G. D. Conant:

"March 16, 1943.

Hon. G. D. Conant,  
Prime Minister of Ontario,  
Toronto, Ontario

Dear Sir:

Enclosed herewith is a copy of a Resolution passed by the Council of the City of Toronto, and which has been endorsed by the Council of the City of North Bay.

Yours truly,

(Sgd.) H. C. Pilley,  
City Clerk."

"Whereas the interests of our effort demand maximum and interrupted war production, co-operation between labour and management and the elimination of all factors which impede production and cause national disunity; and

Whereas the adopted and proper application of collective bargaining legislation would remove one of the chief causes of industrial disputes in wartime; and

Whereas all labour organizations in Canada have appealed for collective bargaining legislation as already exists in Great Britain, the United States of America and other democratic countries and which is in accord with the principles of the Atlantic Charter to which we are committed;

Be it therefore resolved, that this Council petition the Government of the Province of Ontario and requests that it do, at the present Session of the House, enact a modern Collective Bargaining Bill, and that copies of this motion be forwarded to Council of all municipalities within the Province having a population of 4,000 inhabitants or over with a request that they endorse same and forward their endorsement to the Provincial Government."

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EXHIBIT NO. 197: Letter dated March 17, 1943, from R. Hilliard, Secretary-Treasurer, Prince Edward Branch, No. 94, The Canadian Legion of the British Empire Service League, Windsor, to Premier Conant:

"Dear Sir:

The attached letter was received and unanimously adopted by resolution at the regular monthly meeting of this Branch at Windsor, on March 11th, 1943.

You are respectfully requested to give the matter contained therein your serious consideration. It is our hope that you will do your utmost to obtain just treatment of the splendid youth who are now protecting our future with their lives.

We cannot over-emphasize the importance of this issue and its urgency.

Respectfully yours,  
(Sgd.) R. Hilliard,  
Secretary-Treasurer."

---

"Windsor, Ontario,  
March 13th, 1943.

To the Members of Branch 94,  
Canadian Legion.

Mr. President, Gentlemen:

Your attention is hereby drawn to the proposed legislation under consideration by a Select Committee appointed by the Premier of the Province of Ontario under the Chairmanship of Speaker of the Provincial Legislature, the Hon. J. H. Clark. This body has been authorized to investigate and to report on the proposed collective bargaining legislation by recommendations to the House, at the conclusion of their sittings now being held at Toronto.



Testimony and briefs are being publicized daily in the Press of the country from which it would appear that the majority effort is being put forward by organized labour. Careful scrutiny on the part of the writer has failed to indicate any consideration of the position of the absentee worker in uniform or of the uniformed youth, who, were he not now serving his country, would have a place in the industry of our land.

The Canadian Legion have a definite responsibility to perform as guardians of the interests of enlisted men during their absence, and as such, to be represented at the deliberations now being held, by competent representatives supported by legal counsel. Such representatives should particularly guard against inclusion in the legislation, of anything, which will in any way alienate the rights of any enlisted man, or which will cause any ex-soldier difficulty or embarrassment in finding employment upon his discharge from the forces.

The position of the enlisted man who had established seniority in industry, is already partially protected by clauses in many labour contracts, in which it is stated that such man's seniority shall accumulate during his absence. However, this seems hardly adequate, in that it appears to only guarantee his re-employment in the plant, or industry from which he enlisted, but does not guarantee him his old job or previous wage scale. The Legion's greatest concern should be directed toward guaranteeing a fair and equitable opportunity for the youth of Ontario who left school or college or lesser forms of occupation, to serve us in uniform. Any of these lads who can show the ability and who wish to enter industry, should be permitted to do so, at least, on a par with the youth who at the time of enlistment of the former, chose to go into an industry and work six months or such similar period as would guarantee his establishment on the seniority lists of his employer.

To end this, the Legion must press for inclusion in any collective bargaining law, a preference clause, covering and protecting the returned soldier upon discharge from the forces; and, a reasonable period of time in which to prove his adaptability to his chosen work; establish the right of any discharged soldier returning to or entering industry, where seniority rights are established, to claim his place on such lists of plant seniority as of the day previous to his enlistment date.

All the foregoing is submitted in the interest of national unity in the post-war re-establishment period, when Canadians in every part of the Dominion will suffer severely if unwise decisions or unfair treatment is permitted to be written into our statutes through lack of foresight at this time.

The writer further suggests that, providing the foregoing is acceptable to Branch No. 94, that it be accepted in whole or in part as an expression of the Branch and that it shall thereupon become a resolution addressed to the Provincial President, Canadian Legion; that a copy be immediately forwarded to the following persons:

"Hon. J. H. Clark, Chairman, Select Committee.  
Premier Conant, Parliament Buildings, Toronto.

Hon. Geo. Drew, Leader Opposition Party.  
All Branches Canadian Legion in Ontario.  
President, Canadian Legion, Dominion Command, Ottawa.  
Canadian Manufacturers' Association, Toronto.

Fraternally yours,

(Sgd.) Howard M. Smale,  
Chairman,  
Veterans' Assistance Commission,  
Windsor, Local Committee."





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